

## CONFIRMATION

*Executive nomination confirmed by the Senate April 26  
(legislative day of Apr. 17), 1933*

## PROMOTION IN THE NAVY

Ernest J. King to be Chief, Bureau of Aeronautics, with rank of rear admiral.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 26, 1933

The House met at 12 o'clock noon.

Rev. Vernon Norwood Ridgeley, D.D., pastor of Calvary Methodist Episcopal Church, Washington, D.C., offered the following prayer:

Let us pray. Almighty God, our Heavenly Father, be gracious unto us and hear us while we pray. Accept our thanks for the manifold blessings which Thou hast bestowed upon us and keep us from forgetting our dependence upon Thee. Forgive us our feverish ways, be merciful unto us, and pardon us when we go astray. In the hour of temptation strengthen us. In the time of uncertainty hasten to our aid and lead us by Thy spirit into the way of truth and righteousness. When the burdens of life press upon us sustain us by Thy grace and help us to minister to the needs of Thy children. Bless every act that has for its objective the welfare of mankind. Incline our hearts to do Thy will and obey Thy laws. Guard our homes; protect them from disease and evil. We ask it in the name of the Father, the Son, and the Holy Spirit. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4225. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Parkers Landing, in the county of Armstrong, Commonwealth of Pennsylvania; and

H.R. 4332. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at a point near the Forest-Venango county line, in Tionesta Township, and in the county of Forest, and in the Commonwealth of Pennsylvania.

## ST. LAWRENCE WATERWAY

Mr. CHRISTIANSON. I ask unanimous consent to extend remarks in the RECORD.

Mr. SPEAKER. Is there objection?  
There was no objection.

Mr. CHRISTIANSON. Mr. Speaker, as a Representative from Minnesota, I hope that this resolution will be adopted. In passing upon the question whether the treaty with Canada for the construction of the St. Lawrence seaway shall be ratified, the Members of the Senate should have the opportunity to know what proportion of the cost will fall upon the Government of the United States. The cost to the Federal Government of the seaway as a navigation project will depend upon how much and what proportion of the total cost will be borne by the State of New York on account of the power its power authority will develop. Without that knowledge, without knowing whether the net cost to this Government for work in the international section of the St. Lawrence River shall be \$137,000,000 or \$47,000,000, the Senate cannot act intelligently and prudently.

Those who have spoken in opposition to this resolution have seen fit to go outside the issue here involved and have made lengthy arguments against the project itself. We from the Middle West welcome this discussion, for we believe in the St. Lawrence seaway and are willing to accept every opportunity to present the case in its behalf.

The opposition has been singularly inconsistent. In one breath our opponents have argued that the development of the St. Lawrence would be a wasteful expenditure of money because the river will not carry much commerce in any event; in the next breath they have expressed grave fears that the diversion of traffic to the new route would spell ruin to the ports of the Atlantic seaboard. Our opponents should hold a council and agree on their strategy.

They have told us that the project should not be considered further until an official economic survey has been made, ignoring the fact that at least 3 such surveys have already been conducted, 1 by the International Joint Commission, 1 by the Department of Commerce, and 1 by the St. Lawrence Commission of the United States. Each of these surveys has resulted in unqualified endorsement of the project.

Our opponents have said that 90 percent of the St. Lawrence system lies wholly within Canada and that the United States should not spend its money to develop it for navigation. The truth is that the distance from the head of the Lakes to Father Point is 1,676 miles, of which 1,270 miles, or 76 percent, is international water.

They have said that 98 percent of the ocean-going ships that would carry grain over the proposed seaway would be foreign bottoms. I do not know, nor do our opponents, what the percentage of foreign-owned ships would be. It would be the same as in every other ocean port through which American grain now passes. We have not been hearing objections to Federal appropriations for harbor improvements on the ground that foreign ships use the harbors.

They have said that 80 percent of the water power capable of development would be Canadian. We get our half of the power developed in international waters and pay one half of the cost. We pay not one dollar to develop power in Canadian waters.

They say that the proposed waterway could be operated only 7 months each year. Again they are inaccurate. Government observations carried on for over 20 years have shown that the Great Lakes and the St. Lawrence are open for navigation an average of 233 days a year.

They have stated that the cost of the project would be more than double the estimates. Government engineers testifying before the subcommittee of the Foreign Relations Committee of the Senate testified that the cost under present conditions would be about 60 percent of the estimates.

They have said that under the pending treaty the United States would surrender Lake Michigan and make it an international lake. Our opponents do not distinguish between navigational and proprietary rights. We get the same navigational rights in the Canadian part of the St. Lawrence as the Canadians get in Lake Michigan. If the concessions do not balance, they are decidedly favorable to the United States.

Our opponents say that the pending treaty does not provide sufficient water diversion for the Chicago Drainage Canal or for the Mississippi River Channel. Adequate diversion with 50-percent over-age is provided for navigation. This Government is under no obligation to furnish Chicago with sewage-disposal facilities. These she should provide for her own citizens as every other great city is doing. Of course Canada and the United States have the responsibility of maintaining a water level in the Great Lakes adequate for the needs of transportation. Accordingly, they have limited water diversion, but the limitation applies to Georgian Bay on the other side as well as to Lake Michigan on ours.

It has been said that the western farmer cannot be saved 8 cents a bushel on grain transportation, because the total cost from Duluth to Montreal is only 4½ cents. This overlooks the fact that the present rates are abnormal, owing to the great number of bottoms which during the depression are willing to accept wheat as ballast. It should also be remembered that if ships bound for Liverpool could be loaded at Duluth and Chicago, the cost of reloading at Montreal would be eliminated.

Then it is said that the cost of developing the power generated would be so great that it could not compete with electricity developed by private power companies. This does not require any answer beyond the statement that the New York Power Authority is asking for the passage of the pending resolution.

It is argued that this project would not furnish employment to many men and, therefore, should give way to other projects which would require the use of more labor. General Brown, Chief Engineer for this Government, has stated that the contrary is true.

Finally, it is said that the Department of Commerce stated in 1926 that no attempt has been made to determine the amount of traffic which would move over the proposed route and the total amount of saving that would result. The Department stated specifically that there were 26,000,000 tons ready to move. The potential tonnage capable of development is, of course, not capable of ascertainment. One would be foolish to attempt to predict how much tonnage will pass through the Boston or New York Harbor 10 years hence. In these days, when developments come quickly, prophecy is a hazardous occupation.

The Middle West, as a land-locked region, demands this access to the oceans. It is determined no longer to tolerate isolation. We have contributed for many decades to build harbors and improve waterways elsewhere. Our turn has come, and we hope that that sense of fairness and cooperation which alone makes the existence of this Federal Union possible will prompt the representatives of other States and sections to help us realize our legitimate aspirations.

Mr. SNELL and Mr. RAYBURN rose.

Mr. SNELL. Mr. Speaker, at the appropriate time I desire to be recognized against the motion to recommit. This is the unfinished business before the House.

Mr. RAYBURN. Mr. Speaker, I move the previous question.

Mr. SNELL. Mr. Speaker, I am on my feet demanding recognition. The previous question has not been ordered.

Mr. O'CONNOR. Mr. Speaker, I certainly shall object to the establishment of any precedent of debating motions to recommit.

Mr. SNELL. This is not a precedent. Motion to close debate by ordering the previous question has not been made. This is the unfinished business before the House.

Mr. RAYBURN. Mr. Speaker, I move the previous question. I think I have the right to make this motion.

The SPEAKER. The question is on ordering the previous question on the motion to recommit.

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICH. Mr. Speaker, is it proper procedure, when one Member has obtained recognition, for another Member to be recognized? The gentleman from New York [Mr. SNELL] had the floor and was recognized.

The SPEAKER. The Chair recognized the gentleman from New York to ascertain for what purpose he rose.

Mr. RICH. Is it proper procedure for the Chair now to recognize the gentleman from Texas?

The SPEAKER. The question is on the motion to recommit.

The previous question was ordered.

Mr. PARKER of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may have 5 minutes and that I may have 5 minutes, in which to discuss my motion to recommit. Very few Members were in the House when the motion was submitted yesterday. Very few of the Members understand the motion. I think it no more than fair that this request be granted.

Mr. O'CONNOR. Mr. Speaker, reserving the right to object, and I do not direct my remarks at the gentleman from New York or this particular motion, but I do believe it is very bad practice to start debating motions to recommit. This matter is supposed to be called to the attention of the House, or the committee, in the course of general debate. The gentleman had the opportunity to state to the House

that he was going to move to recommit, and also to state the nature of his motion.

I feel compelled to preserve the customary practice of the House.

Mr. Speaker, I object to any debate on the motion to recommit.

Mr. PARKER of New York. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. O'CONNOR. I will withhold it, but not for debate.

Mr. PARKER of New York. The gentleman knows as well as I that but few Members were in the House when this motion was made. I doubt if there are 20 men in the House who know what the motion is.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. COCHRAN of Missouri. Is not the motion to recommit simply an expression of the House of Representatives that a vote in favor of the motion to recommit does not mean a vote for or against ratification of the treaty?

Mr. BYRNS. Mr. Speaker, I demand the regular order.

Mr. O'CONNOR. Mr. Speaker, I object.

Mr. PARKER of New York. Mr. Speaker, I ask unanimous consent that the Clerk read the motion to recommit so the House at least may know the substance of the motion. So that the House may at least know—

Mr. BYRNS. Mr. Speaker, I object to any further discussion of this proposition. The regular order has been demanded, and it seems to me we ought to have it.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Mr. PARKER of New York moves to recommit the resolution to the Committee on Interstate and Foreign Commerce with instructions to that committee to report the same back to the House forthwith with the following amendment:

"At the end of the resolution insert 'Provided, That the passage of this resolution shall be in no way construed as an expression of the attitude of the House as to the merits of the proposed treaty between the United States and Canada.'"

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. PARKER of New York) there were—ayes 60, noes 86.

Mr. PARKER of New York. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-four Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 171, nays 224, answered "present" 1, not voting 35, as follows:

[Roll No. 23]

YEAS—171

Adair	Cochran, Pa.	Focht	Larrabee
Allen	Cole	Foss	Lehlbach
Andrew, Mass.	Colmer	Gillespie	Lesinski
Andrews, N.Y.	Condon	Gillette	Lewis, Md.
Arnold	Connery	Glover	Luce
Bacharach	Connolly	Goldsborough	Ludlow
Bacon	Crowther	Goodwin	McCormack
Bailey	Darden	Goss	McDuffie
Bakewell	Darrow	Granfield	McFadden
Beam	Dear	Griswold	McLean
Beedy	Deen	Hancock, N.Y.	Major
Beiter	De Priest	Harlan	Maloney, Conn.
Biermann	DeRouen	Hartley	Maloney, La.
Bland	Dickinson	Healey	Marshall
Boehne	Dirksen	Hess	Martin, Mass.
Bolton	Ditter	Higgins	Martin, Oreg.
Brennan	Dobbins	Hollister	Mead
Britten	Dockweiler	Holmes	Meeks
Brumm	Douglass	Jacobson	Merritt
Bulwinkle	Doutrich	Jenkins	Millard
Burch	Drewry	Keller	Miller
Busby	Duncan, Mo.	Kelly, Ill.	Mitchell
Caldwell	Edmonds	Kelly, Pa.	Montet
Cannon, Mo.	Elcher	Kemp	Moran
Castellow	Ellzey, Miss.	Kinzer	Morehead
Caviechia	Farley	Kocalkowski	Moynihan
Claborne	Fernandez	Kopplemann	Muldowney
Clarke, N.Y.	Fish	Kurtz	Murdock
Cochran, Mo.	Flannagan	Lamneck	Nesbit



O'Brien  
Parker, Ga.  
Parker, N.Y.  
Parsons  
Pettengill  
Polk  
Powers  
Randolph  
Ransley  
Reece  
Reed, N.Y.  
Reid, Ill.  
Rich  
Robertson

Rogers, Mass.  
Romjue  
Sabath  
Sandlin  
Schaefer  
Schuetz  
Schulte  
Scrugham  
Secrest  
Seger  
Simpson  
Smith, Va.  
Smith, W.Va.  
Stalker

Stokes  
Strong, Pa.  
Strong, Tex.  
Sutphin  
Swick  
Taber  
Tarver  
Taylor, S.C.  
Thompson, Ill.  
Tinkham  
Tobey  
Treadway  
Turpin  
Utterback

Wadsworth  
Watson  
Weideman  
Werner  
Whitley  
Wigglesworth  
Williams  
Wilson  
Wolcott  
Wolfenden  
Wolverton  
Wood, Ga.  
Woodrum

## NAYS—224

Abernethy  
Adams  
Allgood  
Arens  
Auf der Heide  
Ayers, Mont.  
Ayes, Kans.  
Berlin  
Black  
Blanchard  
Bloom  
Bollean  
Boland  
Boylan  
Briggs  
Brooks  
Brown, Ky.  
Brown, Mich.  
Brunner  
Buchanan  
Buck  
Burke, Nebr.  
Burnham  
Byrns  
Cady  
Carden  
Carley  
Carpenter, Kans.  
Carpenter, Nebr.  
Carter, Calif.  
Carter, Wyo.  
Cartwright  
Cary  
Celler  
Chapman  
Chase  
Chavez  
Christianson  
Church  
Clark, N.C.  
Coffin  
Colden  
Collins, Calif.  
Collins, Miss.  
Cooper, Ohio  
Cooper, Tenn.  
Cravens  
Crosby  
Cross  
Crosser  
Crowe  
Crump  
Culkin  
Cullen  
Cummings  
Delaney

Dies  
Dingell  
Disney  
Dondero  
Doughton  
Dowell  
Doxey  
Driver  
Duffey  
Dunn  
Durgan, Ind.  
Eagle  
Eaton  
Eltse, Calif.  
Evans  
Faddis  
Fitzpatrick  
Fletcher  
Ford  
Frear  
Fuller  
Fullmer  
Gasque  
Gavagan  
Gibson  
Gilchrist  
Gray  
Green  
Greenwood  
Gregory  
Griffin  
Guyer  
Haines  
Hamilton  
Hancock, N.C.  
Hart  
Harter  
Hastings  
Henney  
Hildebrandt  
Hill, Ala.  
Hill, Knute  
Hill, Sam B.  
Holdale  
Hooper  
Hope  
Howard  
Huddleston  
Hughes  
Imhoff  
James  
Jeffers  
Jenckes  
Johnson, Minn.  
Johnson, Okla.  
Johnson, Tex.

Johnson, W.Va.  
Jones  
Kahn  
Kee  
Kennedy, Md.  
Kenney  
Kerr  
Kieberg  
Kloeb  
Kniffin  
Knutson  
Kramer  
Kvale  
Lambertson  
Lambeth  
Lanham  
Lanzetta  
Lee, Mo.  
Lehr  
Lemke  
Lewis, Colo.  
Lloyd  
Lozier  
Lundeen  
McCarthy  
McClintic  
McFarlane  
McGrath  
McGugin  
McKeown  
McMillan  
McReynolds  
McSwain  
Mansfield  
Mapes  
Marland  
Martin, Colo.  
May  
Milligan  
Monaghan  
Mott  
Musselwhite  
Norton  
O'Connell  
O'Connor  
O'Malley  
Oliver, Ala.  
Owen  
Palmsano  
Parks  
Patman  
Peavey  
Peterson  
Peyser  
Pierce  
Pou

Ragon  
Ramsay  
Ramspeck  
Rankin  
Rayburn  
Reilly  
Richards  
Richardson  
Rogers, N.H.  
Rogers, Okla.  
Sadowski  
Sanders  
Sears  
Shallenberger  
Shannon  
Shoemaker  
Sinclair  
Sirovich  
Sisson  
Smith, Wash.  
Snell  
Snyder  
Somers, N.Y.  
Spence  
Steagall  
Stubbs  
Studley  
Sumners, Tex.  
Swank  
Sweeney  
Taylor, Colo.  
Thom  
Thomason, Tex.  
Thurston  
Traeger  
Truax  
Turner  
Umstead  
Underwood  
Vinson, Ga.  
Vinson, Ky.  
Wallgren  
Walter  
Wearin  
Weaver  
Welch  
West  
White  
Whittington  
Wilcox  
Willford  
Withrow  
Wood, Mo.  
Woodruff  
Young  
Zioncheck

## ANSWERED "PRESENT"—1

Ruffin

## NOT VOTING—35

Almon  
Bankhead  
Beck  
Blanton  
Brand  
Browning  
Buckbee  
Burke, Calif.  
Cannon, Wis.

Corning  
Cox  
Dickstein  
Englebright  
Fiesinger  
Fitzgibbons  
Foulkes  
Gambrill  
Gifford

Hoepfel  
Hornor  
Kennedy, N.Y.  
Lea, Calif.  
Lindsay  
McLeod  
Montague  
Oliver, N.Y.  
Perkins

Prall  
Robinson  
Rudd  
Sullivan  
Taylor, Tenn.  
Terrell  
Waldron  
Warren

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Waldron (for) with Mr. Warren (against).  
Mr. Beck (for) with Mr. McLeod (against).  
Mr. Taylor of Tennessee (for) with Mr. Oliver of New York (against).  
Mr. Corning (for) with Mr. Rudd (against).  
Mr. Buckbee (for) with Mr. Englebright (against).

Until further notice:

Mr. Blanton with Mr. Gifford.  
Mr. Bankhead with Mr. Perkins.  
Mr. Lindsay with Mr. Foulkes.  
Mr. Almon with Mr. Terrell.  
Mr. Browning with Mr. Robinson.  
Mr. Dickstein with Mr. Cannon of Wisconsin.  
Mr. Fiesinger with Mr. Hoepfel.

Mr. Kennedy of New York with Mr. Lea of California.  
Mr. Prall with Mr. Hornor.  
Mr. Sullivan with Mr. Burke of California.  
Mr. Gambrill with Mr. Brand.  
Mr. Cox with Mr. Montague.

The result of the vote was announced as above recorded.  
The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SABATH and Mr. BRITTEN demanded the yeas and nays.

The yeas and nays were refused.

Mr. BRITTEN. Mr. Speaker, I demand tellers.

Tellers were refused.

So the bill was passed.

On motion of Mr. RAYBURN, a motion to reconsider the vote by which the bill was passed was laid on the table.

## EXEMPTION OF PARENTS OF CITIZENS OF THE UNITED STATES FROM THE QUOTA

Mr. DIES. Mr. Speaker, I ask unanimous consent to file minority views on the bill (H.R. 3519) to exempt from the quota parents of citizens of the United States, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## SALARIES OF THE FEDERAL JUDICIARY

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Speaker, when Congress, somewhat over a year ago, set about to reduce Federal expenditures to try to balance the Federal Budget, a number of economies were invoked by way of cutting out Government activities and, particularly, in the matter of reducing the salaries paid Government employees and officials.

In the last Congress the so-called "economy bill" made a flat reduction of 8½ percent in the salaries of all Government employees. The salaries of Members of Congress were reduced 10 percent. Other activities were curtailed. A gigantic movement was started to balance the Federal Budget in the interest of reestablishing the credit of the Government.

Again this year drastic economies have been put into effect. Under authority granted the President, a reduction of 15 percent has been made in the salaries of all Federal employees, including Members of the House, the Senate, and the Cabinet. Veterans' benefits and pensions and hospitalization privileges have been cut to the core. Though protected by the Constitution, President Hoover and President Roosevelt, voluntarily, and in the spirit of the Economy Act, returned to the Treasury proportionate parts of their salaries. Every person in the Federal establishment has made his contribution to the reestablishment of an economic condition of safety in this country except one class of Government employees, and this class is the Federal judiciary.

In the economy bill Congress included a very polite invitation to these gentlemen to contribute voluntarily their proportionate part of their salaries to meet the situation.

Section 7 of the Economy Act of 1933 is as follows:

In any case in which the application of the provisions of this title to any person would result in a diminution of compensation prohibited by the Constitution, the Secretary of the Treasury is authorized to accept from such person, and cover into the Treasury as miscellaneous receipts, remittance of such part of the compensation of such person as would not be paid to him if such diminution of compensation were not prohibited.

Notwithstanding this invitation to the judiciary, to date the impressive sum of \$716 has been turned back into the Treasury by members of the Federal judiciary. One circuit judge sent two checks of \$125—one dated September 1, 1932, and the other dated September 13, 1932. Having thus apparently eased his conscience he forgot about the matter in the future. Another Federal judge on September 10,

1932, sent a check for \$83.33 and on October 7, 1932, a similar check and felt he had discharged his duty in the emergency and forgot remittances in the future. Another Federal judge on December 17, 1932, sent to the Treasury a check for \$200 and on February 7, 1933, a check for \$100, and no further remittances have come from this member of the judiciary, making a total of \$716.66. Yet a fourth Federal judge has recently written to the Treasury Department he feels that he should contribute 15 percent of his salary to the Federal Treasury.

No other member of this favored and protected group of employees has exhibited the slightest concern in the sad plight of the public purse.

Mr. PETTENGILL. Will the gentleman state the number of Federal judges?

Mr. WOODRUM. Yes.

Mr. CELLER. If the gentleman will permit, I think the names of those judges ought to be put in the RECORD.

Mr. WOODRUM. There are 151 Federal district judges, whose salaries are \$10,000. There are 40 United States circuit judges, whose salaries are \$12,500. There are 9 members of the Supreme Court. The Chief Justice gets \$20,500 and the Associate Justices \$20,000 each.

All of these gentlemen are appointed for life. They do not have to toss upon weary pillows of political uncertainty, nor do they have to look forward with dread to that day when a fickle constituency will retire them back to the humble walks of life and they have to look the poorhouse straight in the eye, because a generous Government has provided that when retirement time comes, at 70 years of age, they are to be retired, if you please, at full pay.

Mr. Speaker, when a Federal judge walks up the marble steps to his office in the morning, the janitor who salutes him at the doorstep, the Federal attorneys who appear before him, and every officer and employee of his court, including the charwoman, whose gnarled hands and bent form have cleaned the cuspidors in his office, are making regularly out of the little pittance the Government pays them their contribution of 15 percent to help to bring back economic solidarity in this country.

The total amount paid to the Federal judiciary is something over \$3,000,000 per annum. If they should contribute from their salaries on the same basis as all other employees of office, which amendment will permit the Congress of the United States to fix the salary of the Federal judiciary, just as it fixes the salary of every other employee. [Applause.]

I yield to no man in appreciation of the honor and dignity of the judiciary, but to my mind its attitude in the present emergency in failing to cooperate along with other citizens is a shocking disregard of the efforts being made by the employees of the Government, often at a great sacrifice, to bring our Government back to a safe economic condition.

I propose a constitutional amendment repealing that portion of the Constitution which provides that the compensation of Federal judges cannot be reduced during their terms of office, which amendment will permit the Congress of the United States to fix the salary of the Federal judiciary, just as it fixes the salary of every other employee. [Applause.]

The proposal is as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three fourths of the several States.*

“ARTICLE —

“SECTION 1. Section 1 of article III of the Constitution of the United States is hereby repealed.

“SEC. 2. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services compensation to be ascertained by law.

“SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legis-

latures of the several States, as provided in the Constitution, within 7 years from the date of the submission hereof to the States by the Congress.”

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. WOODRUM. I ask for 1 minute more.

[Cries of “Take 5 minutes!”]

The SPEAKER. Is there objection?

Mr. GAVAGAN. I object.

Mr. HASTINGS. I ask unanimous consent that the gentleman have 2 minutes more.

Mr. WOODRUM. That is all I wish to say at present.

IMPEACHMENT OF JUDGE JAMES A. LOWELL

Mr. SMITH of Virginia. Mr. Speaker, I rise to a question of constitutional privilege. Mr. Speaker and Members of the House, on my own responsibility, as a Member of this House, I impeach James A. Lowell, a United States district judge for the district of Massachusetts, for high crimes and misdemeanors. In substantiation of this impeachment I specify the following charges:

First. I charge that the said James A. Lowell, having been nominated by the President of the United States and confirmed by the Senate of the United States, duly qualified and commissioned, and while acting as district judge for the district of Massachusetts, did on divers and various occasions so abuse the powers of his high office and so misconduct himself as to be guilty of favoritism, oppression, and judicial misconduct, whereby he has brought the administration of justice in said district in the court of which he is judge into disrepute by his aforesaid misconduct and acts, and is guilty of misbehavior and misconduct, falling under the constitutional provision as ground for impeachment and removal from office.

Second. I charge that the said James A. Lowell did knowingly and willfully violate his oath to support the Constitution in his refusal to comply with the provisions of article IV, section 2, clause 2, of the Constitution of the United States, wherein it is provided:

A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Third. I charge that the said James A. Lowell did, on the 24th day of April, 1933, unlawfully, willfully, and contrary to well-established law, order the discharge from custody of one George Crawford, who had been regularly indicted for first-degree murder in Loudoun County, Va., had confessed his crime, and whose extradition from the State of Massachusetts had, after full hearing and investigation, been officially ordered by Joseph B. Ely, Governor of the State of Massachusetts.

Fourth. I charge that the said James A. Lowell did deliberately and willfully by ordering the release of said George Crawford, unlawfully and contrary to the law in such cases made and provided, seek to defeat the ends of justice and to prevent the said George Crawford from being duly and regularly tried in the tribunal having jurisdiction thereof for the crime with which he is charged, to which he had confessed.

Fifth. I charge that the said James A. Lowell did on the said 24th day of April 1933 willfully, deliberately, and viciously attempt to nullify the operation of the laws for the punishment of crime of the State of Virginia and many other States in the Union, notwithstanding numerous decisions directly to the contrary by the Supreme Court of the United States, all of which decisions were brought to the attention of the said judge by the attorney general of Massachusetts and the Commonwealth's attorney of Loudoun County, Va., at the time of said action.

Sixth. I further charge that the said James A. Lowell, on the said 24th day of April 1933, in rendering said decision did use his judicial position for the unlawful purpose of casting aspersions upon and attempting to bring disrepute upon the administration of law in the Commonwealth of



Virginia and various other States in this Union, and that in so doing he used the following language:

I say this whole thing is absolutely wrong. It goes against my Yankee common sense to have a case go on trial for 2 or 3 years and then have the whole thing thrown out by the Supreme Court.

They say justice is blind. Justice should not be as blind as a bat. In this case it would be if a writ of habeas corpus were denied.

Why should I send a negro back from Boston to Virginia, when I know and everybody knows that the Supreme Court will say that the trial is illegal? The only persons who would get any good out of it would be the lawyers.

Governor Ely in signing the extradition papers was bound only by the question of whether the indictment from Virginia is in order. But why shouldn't I, sitting here in this court, have a different constitutional outlook from the governor who sits on the case merely to see if the indictment satisfies the law in Virginia?

I keep on good terms with Chief Justice Rugg, of the Massachusetts Supreme Court, but I don't have to keep on good terms with the chief justice of Virginia, because I don't have to see him.

I'd rather be wrong on my law than give my sanction to legal nonsense.

Seventh. I further charge that the said James A. Lowell has been arbitrary, capricious, and czarlike in the administration of the duties of his high office and has been grossly and willfully indifferent to the rights of litigants in his court, particularly in the case of George Crawford against Frank G. Hale.

Now, Mr. Speaker, I offer a resolution of impeachment, and I ask that it be read, and move its immediate consideration by the House.

The Clerk read as follows:

#### House Resolution 120

*Resolved*, That the Committee on the Judiciary is authorized and directed, as a whole or by subcommittee, to inquire into and investigate the official conduct of James A. Lowell, a district judge for the United States District Court for the District of Massachusetts, to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the constitutional powers of the House. Said committee shall report its findings to the House, together with such resolution of impeachment or other recommendation as it deems proper.

Sec. 2. For the purpose of this resolution the committee is authorized to sit and act during the present Congress at such times and places in the District of Columbia and elsewhere, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to employ such clerical, stenographic, and other assistance, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, to have such printing and binding done, and to make such expenditures, not exceeding \$5,000, as it deems necessary.

Mr. SMITH of Virginia. Mr. Speaker, in the discussion of this resolution, I think I should lay before you some of the facts in this case that bring the matter to this House.

I want it distinctly understood that there is no race question involved here. I may say—and I think I may say it with pride for my Commonwealth—that there is no race question in the Commonwealth of Virginia.

That does not enter into this thing at all. The question here involved and the question that has brought the situation about is whether or not a Federal judge, elected for life, has the right and power, unchallenged, to disregard the Constitution of the United States, to flaunt the decisions of the Supreme Court of the United States, flaunt the Commonwealth of Massachusetts, and to flaunt the laws of the State of Virginia.

Let me tell you something about the facts in this case: I say, first, that this judge granted this writ of habeas corpus to a self-confessed murderer, duly indicted by competent grand jurors in the Commonwealth of Virginia. His extradition had been asked for of the Governor of Massachusetts by the Governor of Virginia, and granted.

On that extradition proceeding full and complete hearings had been had, both for the accused and for the Commonwealth.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I will ask the gentleman to wait until I have used at least 10 minutes. The gentleman will pardon me. Based on that investigation the Governor of Massachusetts decided that the papers were in order, that the identity of the prisoner was established, and ordered that

requisition papers be issued. In compliance with that and with the request of the Governor of Virginia, Governor Ely, of Massachusetts, ordered this self-confessed murderer returned to the only tribunal in the world that had the right to try him for the crime to which he had confessed, namely, the circuit court of Loudoun County, Va. Thereupon Crawford applied for a writ of habeas corpus, which was granted by this Judge Lowell, and the purpose of that order granting the writ of habeas corpus was to turn loose upon the people of this country a self-confessed murderer before he had ever been tried. Happily an appeal by the State of Massachusetts has, I am informed, prevented the release of the accused from custody.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. May I proceed for at least 10 minutes?

Mr. LUCE. Will the gentleman yield before he concludes?

Mr. SMITH of Virginia. Yes. I want this House to know something about the facts of this case. Let me tell them to you in chronological order.

On the morning of January 13, 1932, Mrs. Agnes B. Ilsley, a prominent lady and a former resident of Wisconsin, together with Mrs. Mina Buckner, her companion, were found murdered in their rooms, both parties having been killed while asleep in their beds. Evidence discloses that the house had been broken into and that the two women had been murdered and property stolen from the house. On the same night Mrs. Ilsley's automobile was stolen.

A negro by the name of George Crawford, a former convict and a former employee of Mrs. Ilsley, was suspected of having committed the crime, as Mrs. Ilsley had had a criminal warrant sworn out against the said Crawford for house-breaking, and Crawford knew the charge had been lodged against him. The authorities were informed by various witnesses that Crawford and an unknown companion were seen in the vicinity of the home of Mrs. Ilsley, which is Middleburg, Va., on the afternoon preceding the night of the killing. A Nation-wide hunt was made for this man for a period of a year.

In February 1932 the said Crawford was indicted by a regular grand jury for the crime of murder in the first degree.

On January 13, 1933, Crawford was arrested in Boston on a charge of housebreaking. He was later identified by the State Department, by means of his finger prints, as the man wanted for the commission of the two brutal murders in Middleburg, Va.

Immediately upon receipt of the information of his arrest on the 17th of January, John Galleher, Commonwealth's attorney of Loudoun County, Va., went to Boston, where, on the next day, he obtained a sworn written confession from Crawford that he and another man had committed double murder in Virginia. This confession was made freely, frankly, without duress, and without the promise or hope of reward, he having stated in his confession that he was guilty of the crime and that he and his accomplice were planning to enter the home of Mr. Ilsley when she drove up in her car; that they hid in the tall grass and watched her put her automobile in the garage and enter the house. After waiting for a short while to permit her to retire, these two men entered this house knowing that it was occupied and committed two of the most brutal murders ever known. This confession was under oath and in writing but was not signed, as counsel had interceded before the record could be transcribed.

I have here and will submit for the inspection of the Judiciary Committee at the proper time his confession to that crime.

On January 17 petition was filed with the Governor of the Commonwealth of Virginia for extradition upon the Governor of the Commonwealth of Massachusetts for the return of Crawford. Extradition papers were received in Boston on January 21, but before their receipt notice was filed with Governor Ely's office by the National Association for the Advancement of Colored People that they wished a hearing in the matter. This association was represented

by two lawyers. The hearing was begun on the 24th day of January, and after 3 days was continued over until the 7th of February. It was concluded on the 9th of February.

On the 17th day of February Governor Ely granted the request of the Governor of Virginia for the extradition of Crawford and a warrant was issued and delivered to the State police. On that same day counsel for Crawford filed a petition for a writ of habeas corpus in the United States District Court for the District of Massachusetts. The only grounds for the writ were to the effect that Crawford could not lawfully be held by virtue of the extradition warrant, as it is in violation of the Constitution and of the laws of the United States and the Commonwealth of Massachusetts, in that he is not the person by name designated in said warrant or order, nor so to be taken, or held under the terms of the authority thereof; that said warrant or order does not upon its face or by its recital purport to authorize the taking or detention of the said George Crawford, and that the said Crawford is not the person alleged to have committed the crime set forth or exhibited in the demand for extradition.

Upon the return day of the writ Mr. S. D. Bacigalupo, assistant attorney general of the Commonwealth of Massachusetts, representing the Governor of Massachusetts, filed answer on behalf of the respondent, Frank G. Hale, the police officer who held the extradition warrant. The matter was originally set for hearing on March 20, but was continued from time to time until April 24.

On April 24 the case was set down for hearing at 10 o'clock a.m. before Judge Lowell, judge of the district court for the district of Massachusetts. No question was raised at the hearing as to denying the identity of the fugitive. No question was raised at the hearing which questioned the jurisdiction of the court which returned the indictment. The Commonwealth of Massachusetts protested against the admissibility of the affidavit with reference to the drawing of juries, stating that the United States Supreme Court had held a long line of cases that matters affecting the insufficiency of an indictment, which was not apparent on its face, could not be raised in a habeas corpus proceeding; that the indictment in this case on its face admitted to be sufficient, as found by Governor Ely.

The United States Supreme Court has continuously held that matters of this character cannot be raised in a habeas corpus proceeding, but the fugitive must be returned to the court which found the indictment, in which court the question of sufficiency of the indictment may be raised, and if conviction is had, the fugitive has his right in the appellate courts.

Judge Lowell granted the habeas corpus, and gave as his reason therefor that he was certain that the United States Supreme Court would not uphold the verdict of conviction should Crawford be returned to Virginia and convicted, because it is not customary in that State to have Negroes on juries.

This judge deliberately ignored or was ignorant of the law to such a violent extent that his continued service on the bench is a menace to the peace and good order of the Nation.

I do not contend that a judge may be impeached on an honest difference of opinion as to the law or for an erroneous decision of a case where he acts in good faith, but I do aver and proclaim that a judge is impeachable who is either (1) so ignorant of the law that it amounts to flagrant incompetency; or (2) who knowing the law deliberately, wilfully, and knowingly, in direct contravention of the Constitution and well-established precedent and authorities of the courts of last resort releases on the world a self-confessed murderer of the most vicious type.

When the white heat of indignation concerning this outrageous action on the part of James A. Lowell shall subside, it may be said and contended that to seek his impeachment is a resort to harsh methods. In reply, I call attention to the fact that Federal judges are elected for life, and that the only method of discipline and the only power for punishment lies through impeachment proceedings in this

House. When a Federal judge arrogates to himself such power that he is no longer amenable to the mandates of the Constitution or the decisions of the Supreme Court there is no other remedy than impeachment.

If the press quotes him correctly, he has referred to the efforts of the sovereign State of Virginia to bring to trial this fiendish murderer as "a piece of stage play." He will doubtless characterize this proceeding in the same category.

If the press quotes him correctly, he has expressed his indifference and contempt for the Members of this House who will seek to bring him to the bar for his misdeeds.

I wish to say in this connection that I have not taken the responsibility of initiating these proceedings without due deliberation and thought, and so far as I am concerned this proceeding will be cool, calm, and dignified, but an earnest effort will be made to remove this man from the Federal bench, and thereby issue a warning to others that the rights of sovereign States to solemn mandates of the Constitution and that the unbroken decisions of the Supreme Court of the United States may not be lightly flaunted in the people's face.

I am not a novice in judicial experience. I served for many years as a member of the judiciary of the Mother of States, and I say to you, with all solemnity and seriousness, when a human being who has perchance been elevated to a position where he passes upon the rights and liberties of human beings, when he loses the common touch with his fellow man, when he loses his perspective of equality by reason of his vanity and false pride in the position to which he has been elevated, then he has lost the primary and fundamental elements of a competent jurist, and his continuation upon the bench is a menace to the peace and good order of his country and to the fair and equal administration of justice.

It is, therefore, with a feeling of the utmost solemnity and seriousness that I have offered this resolution and ask its immediate adoption.

In closing let me remind the House again that by his conduct on the bench this man has defied the laws of the sovereign Commonwealth of Virginia.

He has flaunted the solemn order of rendition of the Governor of the sovereign Commonwealth of Massachusetts.

He has flagrantly and boastfully violated section 2, article IV, of the Constitution of the United States.

He has deliberately and knowingly attempted to override and ignore the plain decisions of the Supreme Court of the United States on the very identical question here involved.

And if the press of today quotes him correctly, he has publicly expressed his contempt for those Members of Congress who would dare to rebuke him for his misconduct.

The issuance of this writ of habeas corpus, ordering the release of the accused, was ordered in the face of his fingerprints, in the face of the testimony of numerous witnesses who had seen him near the scene of the crime on the afternoon before, and in the face of his written confession—a confession made not alone to the authorities of Virginia but made before an officer of the State of Massachusetts.

Mr. BLACK. Mr. Speaker, I rise to a point of order against the gentleman's using the word "confession." The gentleman has admitted that the "confession" is not signed. I think until the gentleman produces some sworn evidence by some competent witnesses that the confession was made that language to the effect that a confession was made should be kept out of the RECORD.

Mr. SMITH of Virginia. Mr. Speaker, I am confident that the gentleman from New York is too good a lawyer to seriously make that point of order. I have nothing further to say upon the point of order.

Mr. BLACK. The gentleman has repeatedly used the word "confession."

Mr. SMITH of Virginia. And I use it again.

Mr. BLACK. And the gentleman has said that it is not signed. The gentleman has not stated there were witnesses to the confession. I think in all fairness the language should not be used.



The SPEAKER. The Chair thinks that this is a matter to be substantiated before the Committee on the Judiciary. The point of order is overruled.

Mr. SMITH of Virginia. All of that, I repeat, Mr. Speaker, is a matter fully proven and confessed by the accused in the presence of numerous witnesses, if the gentleman from New York [Mr. BLACK] wants to know. And I shall be glad, when I have concluded, if the gentleman from New York has any lingering doubts as to whether something should be done about this, to have him read the confession. Sworn or unsworn, it is a voluntary statement of the accused, and it makes no difference whether it is sworn to or not. He said it.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. LUCE. The gentleman under the rules has 1 hour, at the conclusion of which time he may move the previous question. I ask the gentleman if those who will present contrary views to those expressed by the gentleman may have the opportunity, when he has finished, to have the remaining time?

Mr. SMITH of Virginia. I will yield a reasonable proportion of the time, but somebody else on this side may want to be heard also. How much time would the gentleman like to have?

Mr. LUCE. I should like to have half of the hour.

Mr. SMITH of Virginia. I am sorry, but I will not be able to yield that much time.

Mr. LUCE. I call attention of the gentleman to the fact that Judge Lowell is my constituent, and it is not only my duty but my right to represent him here. Also, he has been my personal friend for many years. I am asking simply for fair play. Is there any man in this House who will refuse fair play? I now ask the gentleman how much time he will yield me?

Mr. SMITH of Virginia. I should be glad to yield the gentleman 10 minutes.

Mr. LUCE. Ten minutes, while the gentleman has 50 minutes; does he consider that fair play?

Mr. SMITH of Virginia. I shall yield the gentleman 10 minutes. There will be ample time later to discuss the merits, if the Judiciary Committee recommends impeachment proceedings.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. Yes.

Mr. VINSON of Kentucky. I submit to the distinguished gentleman from Massachusetts that in yielding to him 10 minutes the gentleman from Virginia has shown more fair play than Judge Lowell showed the Commonwealth of Virginia and the people of the United States.

Mr. LUCE. I shall, of course, have to accept the 10 minutes.

Mr. BYRNS. Mr. Speaker, may I suggest to the gentleman that I can see no good object to be gained by a general discussion of this matter further than the statement made by the gentleman from Virginia. I agree that the gentleman from Massachusetts [Mr. LUCE] should have some time, of course.

I suggest to the gentleman from Virginia [Mr. SMITH] that perhaps we can come to an agreement to that effect, that the gentleman yield 15 minutes to the gentleman from Massachusetts [Mr. LUCE] with the understanding that the gentleman from Virginia [Mr. SMITH] and the gentleman from Massachusetts shall be the only speakers upon either side of this proposition. [Applause.]

Mr. GAVAGAN. Will the gentleman yield for a question?

Mr. SMITH of Virginia. I yield.

Mr. GAVAGAN. Would it be possible for the gentleman to yield me 5 minutes to discuss the juridical questions involved?

Mr. SMITH of Virginia. I believe there has been unanimous consent granted to allow only two speakers.

Mr. BLACK. Will the gentleman yield? I would object to that unanimous-consent agreement. Why should only

two Members of the House have something to say on this question?

Mr. BYRNS. May I say that the juridical question, as the gentleman puts it, is a matter to be considered by the Committee on the Judiciary and not for this House. [Applause.] It seems to me that this is a matter which should be disposed of with full opportunity to the gentleman from Massachusetts [Mr. LUCE] to present his side of the matter, and then permit the Committee on the Judiciary to pass upon the legal questions, and, of course, they will be glad to give my friend from New York [Mr. GAVAGAN] an opportunity to appear before them for any proper time.

Mr. LUCE. Then I understand the gentleman accepts the suggestion that I have 15 minutes?

Mr. SMITH of Virginia. Yes; and no further speakers on the question.

Mr. CELLER. Will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. CELLER. Do I understand the gravamen of the gentleman's impeachment is that the judge failed to exercise proper discretion in the granting of a writ and discharging of the prisoner as well as his gratuitous remarks concerning the Commonwealth of Virginia?

Mr. SMITH of Virginia. I charge, and I have so stated, that this judge deliberately violated his constitutional oath to maintain and uphold the Constitution of the United States and the laws thereof. I say that when a judge deliberately and purposely refuses to carry out the provisions of the Constitution of the United States, and further, that when he deliberately refuses to be governed by decisions of the Supreme Court of the United States on a question that is before him, if he cannot be impeached for that, how is he ever going to be gotten rid of? I am not going into this question of impeachment further on the merits of the case, because the sole purpose of this discussion today is to obtain, if I can, the passage of the resolution of investigation, which will put up to the Committee on the Judiciary of this House the investigation of the whole question—the conduct of the judge and the judicial questions involved—and then to report to this House whether he should be impeached or reprimanded or whether he should be permitted to go on his way and turn some more murderers loose.

Mr. CELLER. I respect the gentleman's judgment, and I simply asked whether the judge was exercising any discretion in this particular case, and if the gentleman feels the judge has gone so far afield in the proper exercise of discretion that he should be impeached.

Mr. SMITH of Virginia. If I did not, I would not be here this morning. This matter is no joke with me.

Mr. O'CONNOR. Will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. O'CONNOR. I do not believe this is the proper place to discuss the merits of this matter, because it will be referred to the Committee on the Judiciary; but I call the attention of the gentleman to this situation: rather than proceeding, as is usually done, by submitting his articles of impeachment and having them referred to the Committee on the Judiciary, the gentleman has asked the House to adopt a resolution, and I believe in all fairness, on the question of the adoption of the resolution, more than one side should be heard. I do not mean we should have general debate, but the gentleman is asking the House to adopt the resolution.

Mr. SMITH of Virginia. Merely a resolution of investigation.

Mr. O'CONNOR. But it is a resolution which the gentleman is asking us to pass judgment on. I believe the other side should be heard to some extent.

Mr. GAVAGAN. The gentleman proposing the resolution has 50 minutes and the opponents only 10 minutes.

Mr. BLAND. Will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. BLAND. I asked the gentleman to yield for the purpose of reminding him that if 15 minutes is to be accorded the gentleman from Massachusetts [Mr. LUCE] the gentle-

man should reserve sufficient time out of the hour to move the previous question.

Mr. O'MALLEY. Will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. O'MALLEY. This woman who was murdered happened at one time to have been a resident taxpayer of my district, according to information furnished by the gentleman from Massachusetts [Mr. LUCE]. Has the action of this Federal judge prevented the Commonwealth of Virginia bringing this confessed murderer to trial?

Mr. SMITH of Virginia. Yes; and that is what it is all about this morning.

Mr. O'MALLEY. I say in respect to the State of Wisconsin that I believe the people of the State of Wisconsin would like to have this resolution supported, to investigate this judge. [Applause.]

Mr. SMITH of Virginia. I thank the gentleman for his contribution.

Mr. BLACK. Will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. BLACK. The gentleman said at the outset of his remarks that the judge had offended on divers times and occasions. The gentleman has only cited one occasion and one case. Has the gentleman in mind any other matters aside from this particular proposition?

Mr. SMITH of Virginia. Well, I did not intend to bring that up this morning, but there has been a great deal of discussion about this case and it has got into the press. It was in the press this morning that such a resolution was to be offered. I have received telegrams this morning from Ohio and another telegram from some other State at a great distance, volunteering that those gentlemen would like to have an opportunity to come in and present other charges against the same judge. I do not care to discuss that, but the gentleman has insisted upon it. [Applause.]

Now, I want to say that the Supreme Court has continuously held—and I am only going into the law briefly, because if you want to go into the law I have enough decisions the other way to consume the entire day—but the Supreme Court has continuously held that matters of this kind cannot be raised in habeas corpus proceedings, but that the fugitive must be returned to the court which found the indictment, in which court the question of the sufficiency of the indictment may be raised, and if conviction is had the fugitive has a right to appeal to the appellate court.

This judge has deliberately ignored or was ignorant of the law to such a violent extent that his continued service on the bench is a menace to the peace and good order of this Nation.

The time allotted to me does not permit a full discussion of the legal precedents, but amongst the large number of cases sustaining my position are:

*In re Wood, Petitioner* (140 U.S. 278).

*Henry v. Henkel* (235 U.S. 219).

*Whitaker v. Hitt* (285 Fed. 797).

*Benson v. Henkel* (198 U.S. 1).

*Riggins v. U.S.* (199 U.S. 547).

*Sheriff v. Brown* (205 U.S. 179).

Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, as I have already informed the House, Judge Lowell not only is my constituent but also through many years has been my personal friend. I served with him in the Massachusetts Legislature, and then in a long-drawn-out constitutional convention, and had close opportunity through all those years to watch the man and the workings of his mind. I know him; and I desire here to testify that I know of no man in the State of Massachusetts who stands higher in the respect of those who know him than James A. Lowell.

I testify that he is a man of exceptional intelligence; that he is a man of perfect probity; that he is a man with the highest regard for justice; that he has filled his office honorably; and that all suggestions that this episode is part of a career of misfeasance are absurd. Of course, men will be found who have appeared before him and who thought they

had right on their side while his decision was contrary. Some of them will doubtless come forward and question both his judicial capacity and his integrity. Has not that been the fate of my friend from Virginia while he sat on the bench? Did he never observe anybody of whom it might be said:

No man e'er felt the halter draw,  
With good opinion of the law.

Always the defeated litigant complains. Otherwise he never would have gone into court.

Now, sir, this man, his position in life, his associations, his whole course, repel as preposterous the suggestions made in the press that he has been influenced by communistic views.

I would call your attention to the fact that many of the charges against him by the gentleman from Virginia were based on quotations from the press. Who here passes a week without some misquotation of what he has said? Who here takes any active part in our work without knowing of the unintentional errors of the press? Who here but has been put in false position by what the press has said to be his utterances?

Shall you take this solemn procedure on the ground of rumors, on the ground of reports, on the ground of opinions voiced in the press?

I pray you discard at once all that part of the gentleman's argument which was prefaced by saying, "If the press is correct."

Shall we summon this man here; shall we hale him before the Judiciary Committee and presently bring him to the bar of the Senate on the ground that a newspaper reporter said that the judge had said something?

But, after dismissing all that, return to the charge itself. The only valid charge, the only charge with which any proof is presented is—and I deny that telegrams from disappointed litigants are proof—that in one instance, one instance in all his long and honorable career, he made a decision that has not satisfied the gentleman from Virginia.

Now, sir, picture to yourself what will be the course of events if we establish the precedent that because a lawyer, disappointed and chagrined by the judgment of a judge, feels that he ought to pursue the case, he may come to Congress with his contention. Do you think it wise that he shall be encouraged to come to this House and ask that the case be tried over again? How many hundreds and thousands of cases would be brought to Congress if you once set forth the idea, spread the idea, and laid down the principle that a disappointed litigant may have an appeal to the Congress. Why, you would crowd the docket of the Committee on the Judiciary with hundreds and thousands of cases if you proceeded on this novel principle.

Sir, it has not been my fortune to read the official documents of the case. I know nothing of the arguments as made in court. I can only submit to your consideration whether it is to be assumed that a judge in making a decision has had no law on his side to defend that decision; that he has not given due weight to precedent; that he has not exercised his function as a judge to decide between the opposing views of counsel.

The gentleman asks us, because he presents one side of the case, to assume that there is no other side to the case.

If, however, it should be taken for granted that any litigant, any lawyer, who loses out in his suit may then come here, let us further consider, if I may venture so far as to follow the same line of argument that the gentleman himself has presented, whether it is the province of a judge to determine what will be the treatment of an accused man when he is taken beyond the borders of a State. Let us face that issue squarely.

I am going to ask every man here to ask himself this question: "If tomorrow Germany should ask President Roosevelt to extradite and send to Germany a Jew, would I vote to support the President if he did it?"

This is a definite, specific question you may ask yourselves. Will you vote to support a proposal to send a man charged with crime into a neighborhood where it is believed he cannot get justice? Why, only a few days ago we read what



went on down at Scottsboro. Let that be clear and fresh in your minds. There they had to resort to that practice of the law which is known as a change of venue. What is the basis of a change of venue? Why is it provided? How does it come about that a man may be tried in some locality other than where the crime was committed? The basis of it is the fear of prejudice, the fear of injustice, the fear of unfairness, and inasmuch as you have that principle in the law of change of venue, I ask you why you would deprive a judge anywhere in this country of considering the question raised by the principle involved in that issue. I maintain that a judge in Wisconsin or a judge in California or a judge in Massachusetts has the right to consider whether he will cause a man to lose his life by sending him into a hostile environment for trial.

I make no charge against Virginia. She has a right to be proud of her institutions, but we understand that Virginia views this particular question from a point of view other than that of a man from a northern State. We have felt that there are parts of this country where, by reason of his color, a man does not get a fair trial. We understand that in some parts of this country jurors are not selected with due regard to the constitutional provision that there shall be no debarment of any man from his rights as a citizen by reason of his color, the provision that says no State "shall deny to any person within its jurisdiction the equal protection of the laws."

We do not attempt to answer the social question. We know the difficulties that are involved. We sympathize with our friends from the South. We do not pretend to be wiser or holier than they are. We do not advance that issue at all. We face the fact—the fact that a colored man sent from a Northern State and charged with crime will go into an environment where he is unlikely to get fair and even-handed justice. By the records we can show this to be the case.

So, sir, we maintain that there is no ground for impeachment to be found in the fact that this situation is recognized by a judge in another State.

You are asked to go to great expense and take much time in investigating this issue. We do not evade the issue. If it is your pleasure to invite the precedent that is involved therein, go ahead and do it. We know this judge can defend himself to the satisfaction of that committee and exonerate himself. We know what the report of that committee will be. If you are unwise enough to force upon them the labors involved, very well, but we ask you to start out at least with an open mind, to start out at least with knowledge that you have heard only one side of the case, to start out by treating this judge as fairly as you want to treat any other American citizen.

Mr. LEHLBACH. Will the gentleman yield for a question? Mr. LUCE. Certainly.

Mr. LEHLBACH. The gentleman from Virginia [Mr. SMITH], on his own responsibility as a Member of the House, has presented articles of impeachment. Would not these articles so presented, as a matter of course, be referred to the Committee on the Judiciary for its consideration?

Mr. LUCE. So I understand the practice of the House.

Mr. LEHLBACH. And the resolution that is now pending is entirely unnecessary and will only serve to record the judgment of the House that a prima-facie case exists. The Committee on the Judiciary will have jurisdiction over the articles of impeachment whether this resolution is adopted or not, is not that the case?

Mr. LUCE. That I understand to be the case.

Mr. GAVAGAN. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. GAVAGAN. I should like to inquire if the gentleman knows whether or not the State of Massachusetts has taken an appeal from the order of Judge Lowell.

Mr. LUCE. I do not.

Mr. GAVAGAN. I ascertain from the newspapers that the State has taken an appeal.

Mr. LLOYD. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. LLOYD. Assuming that the members of our Federal judiciary should be above suspicion, in view of the fact that these charges have been made, should not the judge welcome an orderly, preliminary investigation before the Judiciary Committee of this House?

Mr. LUCE. Of course, any man ought to welcome any inquiry into his conduct, whether as a judge or in any other position, but I am pointing out to you that if you do this in one instance, you are in duty bound to do it in a thousand instances. You are in duty bound to flood the House and the committee with questions raised by disappointed litigants.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. LUCE. Certainly.

Mr. BRITTEN. As I understand the gentleman's attitude, it is that he has no objection to all this matter that has been presented by the gentleman from Virginia going to the Committee on the Judiciary for proper and due consideration, but he does object to a record vote being taken on a resolution which has no place here at this time.

Mr. LUCE. Absolutely.

Mr. BRITTEN. There is no objection, of course, by any Member of the House to having all this matter very carefully considered, as it should be by the Committee on the Judiciary, and as it will be, without the passage of this resolution.

Mr. BYRNS. Will the gentleman from Massachusetts yield?

Mr. LUCE. Certainly.

Mr. BYRNS. I want to ask the gentleman if this is not the usual resolution which is adopted in proceedings of this kind, and is not this resolution necessary in order to provide the Committee on the Judiciary with the necessary funds in the event they have to go to Massachusetts for the purpose of making the investigation? [Applause.]

Mr. BLACK. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. BLACK. Does not the gentleman think it is highly unfair and prejudicial to the course of justice for the House at this time to interfere in any way, shape, or form with this proceeding until the appeal is disposed of?

Mr. LUCE. Absolutely.

Mr. LEHLBACH. Will the gentleman yield further?

Mr. LUCE. Certainly.

Mr. LEHLBACH. Is not the correct practice to refer the articles of impeachment to the Committee on the Judiciary and if upon examination of the articles, the Committee on the Judiciary finds enough substance in them to proceed with an investigation, is it not then the function of the Committee on the Judiciary to come to the House and ask for the necessary money and the proper authority?

Mr. LUCE. That is the custom, and a very wise custom, Mr. Speaker.

Mr. PETTENGILL. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. PETTENGILL. Is it not premature to take this up before the appellate court files its decision?

Mr. LUCE. Certainly; the Court of Appeals may decide the same way.

Mr. LOZIER. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. LOZIER. Is it not true that a decision of the higher courts will not purge this judge of his wrongdoing. If he has violated the Constitution, if he has deliberately, by his decision, flaunted the Constitution he took an oath to defend, and if he has contemptuously ignored the comity which exists between the States, and set himself up to pass ex cathedra upon the ultimate result of a future trial in another State—would not that system and policy, if followed generally by judges, practically destroy our whole judicial system in the United States? [Applause.]

Mr. LUCE. I do not accept the basis upon which the gentleman has put his question.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

Mr. LUCE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LUCE. The gentleman has preferred charges and also introduced a resolution. Which is to be voted on first?

The SPEAKER. The resolution provides that the Committee on the Judiciary shall investigate the charges made by the gentleman from Virginia. The vote will be on the adoption of the resolution. The question is on the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the adoption of the resolution.

Mr. LUCE. On that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 209, nays 151, answered "present" 12, not voting 59, as follows:

[Roll No. 24]

YEAS—209

Abernethy	Dickinson	Kleberg	Randolph
Allgood	Dies	Kniffin	Rankin
Arens	Disney	Kocialkowski	Rayburn
Arnold	Dobbins	Kramer	Richards
Ayers, Mont.	Doughton	Lambeth	Robertson
Bailey	Doxey	Lanham	Rogers, Okla.
Beam	Drewry	Lea, Calif.	Romjue
Biermann	Driver	Lee, Mo.	Ruffin
Bland	Duncan, Mo.	Lehr	Sanders
Boileau	Durgan, Ind.	Lemke	Sandlin
Brennan	Eagle	Lesinski	Scruggs
Briggs	Ellzey, Miss.	Lloyd	Sears
Brooks	Faddis	Lozier	Secrest
Brown, Ky.	Fernandez	McCarthy	Shallenberger
Brown, Mich.	Flannagan	McClintic	Slisson
Buchanan	Foulkes	McDuffie	Smith, Va.
Buck	Frear	McFadden	Smith, Wash.
Bulwinkle	Fuller	McFarlane	Smith, W. Va.
Burch	Fulmer	McKeown	Snyder
Burke, Calif.	Gasque	McMillan	Spence
Busby	Gillespie	McReynolds	Steagall
Byrns	Gillette	Maloney, La.	Strong, Tex.
Cady	Glover	Mansfield	Stubbs
Caldwell	Goldsborough	Marland	Swank
Cannon, Mo.	Green	May	Tarver
Carden	Greenwood	Meeks	Taylor, Colo.
Carpenter, Nebr.	Gregory	Miller	Taylor, S.C.
Carter, Calif.	Griffin	Milligan	Terrell
Cartwright	Haines	Mitchell	Thomason, Tex.
Cary	Hamilton	Monaghan	Thompson, Ill.
Castellow	Hancock, N.C.	Montet	Turner
Chapman	Hart	Moran	Umstead
Chavez	Hastings	Morehead	Underwood
Church	Henney	Mott	Utterback
Claiborne	Hildebrandt	Murdock	Vinson, Ga.
Clark, N.C.	Hill, Ala.	Musselwhite	Vinson, Ky.
Coffin	Hill, Knute	Nesbit	Wallgren
Colden	Hill, Sam B.	O'Connell	Weaver
Cole	Holdale	O'Connor	Weideman
Collins, Calif.	Howard	O'Malley	Werner
Collins, Miss.	Huddleston	Oliver, Ala.	West
Colmer	Imhoff	Owen	White
Cooper, Tenn.	Jacobsen	Palmisano	Whittington
Cox	Jeffers	Parker, Ga.	Wilcox
Cravens	Johnson, Minn.	Parks	Willford
Cross	Johnson, Okla.	Patman	Williams
Crowe	Johnson, Tex.	Peavey	Wilson
Crump	Johnson, W. Va.	Peterson	Withrow
Culkin	Jones	Pierce	Wood, Ga.
Darden	Kee	Polk	Woodrum
Dear	Kemp	Pou	
Deen	Kennedy, Md.	Ragon	
DeRouen	Kerr	Ramsay	

NAYS—151

Adair	Christianson	Focht	Kinzer
Allen	Clarke, N.Y.	Ford	Kloebe
Auf der Heide	Cochran, Mo.	Foss	Knutson
Bacharach	Cochran, Pa.	Gavagan	Kopplemann
Bacon	Connery	Gibson	Lambertson
Bakewell	Connolly	Gilchrist	Lamneck
Beedy	Cooper, Ohio	Goodwin	Lanzetta
Beiter	Crosby	Goss	Larrabee
Berlin	Crosser	Granfield	Lehlbach
Black	Crowther	Gray	Luce
Blanchard	Cullen	Guyer	Ludlow
Bloom	Darrow	Harlan	Lundeen
Boehne	Delaney	Healey	McCormack
Boland	De Priest	Hess	McGrath
Bolton	Dirksen	Higgins	McGugin
Boylan	Ditter	Hoeppel	McLean
Britten	Dockweiler	Hollister	Maloney, Conn.
Brumm	Dondero	Holmes	Mapes
Brunner	Doutrich	Hope	Marshall
Burke, Nebr.	Dowell	Hughes	Martin, Colo.
Burnham	Edmonds	James	Martin, Mass.
Carley	Elcher	Jenkins	Mead
Carpenter, Kans.	Elitz, Calif.	Kahn	Merritt
Carter, Wyo.	Farley	Keller	Millard
Cavichia	Fish	Kelly, Ill.	Moynihan
Celler	Fitzpatrick	Kelly, Pa.	Norton
Chase	Fletcher	Kenney	Parker, N.Y.

Parsons	Schaefer	Strong, Pa.	Wadsworth
Pettengill	Schuetz	Studley	Walter
Peysers	Schulte	Sutphin	Wearin
Powers	Seger	Swick	Whitley
Ransley	Simpson	Taber	Wigglesworth
Reid, Ill.	Sinclair	Tinkham	Wolcott
Reilly	Sirovich	Tobey	Wolfenden
Rich	Snell	Traeger	Wolverton
Richardson	Somers, N.Y.	Treadway	Young
Rogers, Mass.	Stalker	Truax	Zioncheck
Rogers, N.H.	Stokes	Turpin	

ANSWERED "PRESENT"—12

Adams	Douglass	Hancock, N.Y.	Lewis, Colo.
Andrews, N.Y.	Duffey	Hooper	Major
Condon	Dunn	Kurtz	Summers, Tex.

NOT VOTING—59

Almon	Englebright	McLeod	Sadowski
Andrew, Mass.	Evans	McSwain	Shannon
Ayres, Kans.	Fiesinger	Martin, Oreg.	Shoemaker
Bankhead	Fitzgibbons	Montague	Sullivan
Beck	Gambrill	Muldowney	Sweeney
Blanton	Gifford	O'Brien	Taylor, Tenn.
Brand	Griswold	Oliver, N.Y.	Thom
Browning	Harter	Perkins	Thurston
Buckbee	Hartley	Prall	Waldron
Cannon, Wis.	Hornor	Ramspeck	Warren
Corning	Jenckes	Reece	Watson
Cummings	Kennedy, N.Y.	Reed, N.Y.	Welch
Dickstein	Kvale	Robinson	Wood, Mo.
Dingell	Lewis, Md.	Rudd	Woodruff
Eaton	Lindsay	Sabath	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Bankhead (for) with Mr. Beck (against).  
Mr. Warren (for) with Mr. Waldron (against).  
Mr. Almon (for) with Mr. Englebright (against).  
Mr. Browning (for) with Mr. Watson (against).  
Mr. Brand (for) with Mr. Hartley (against).  
Mr. McSwain (for) with Mr. Perkins (against).  
Mr. Ramspeck (for) with Mr. Muldowney (against).  
Mr. Montague (for) with Mr. Eaton (against).

Additional general pairs:

Mr. Blanton with Mr. Gifford.  
Mr. Corning with Mr. Woodruff.  
Mr. Ayres of Kansas with Mr. Evans.  
Mr. Sabath with Mr. Buckbee.  
Mr. Prall with Mr. McLeod.  
Mr. Griswold with Mr. Reed of New York.  
Mr. Kennedy of New York with Mr. Welch.  
Mr. Gambrill with Mr. Taylor of Tennessee.  
Mr. Martin of Oregon with Mr. Andrew of Massachusetts.  
Mr. Rudd with Mr. Thurston.  
Mr. Lewis of Maryland with Mr. Reece.  
Mr. Dickstein with Mr. Kvale.  
Mr. Shannon with Mr. Shoemaker.  
Mr. Sullivan with Mr. Sadowski.  
Mr. Fiesinger with Mr. Cannon of Wisconsin.  
Mr. Lindsay with Mr. Thom.  
Mr. Sweeney with Mr. Robinson.  
Mr. Hornor with Mr. Cummings.  
Mr. Wood of Missouri with Mr. Dingell.  
Mrs. Jenckes with Mr. Harter.

Mr. KVALE. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present in the Hall and listening when his name was called?

Mr. KVALE. I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the resolution was agreed to was laid on the table.

The SPEAKER. The charges made by the gentleman from Virginia are referred to the Committee on the Judiciary.

CLAIM OF UNITED STATES UPON ASSETS OF PAN AMERICAN PETROLEUM CO. AND RICHFIELD OIL CO. OF CALIFORNIA

Mr. FULLER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 13, authorizing the Attorney General, with the concurrence of the Secretary of the Navy, to release claims of the United States upon certain assets of the Pan American Petroleum Co. and the Richfield Oil Co. of California and others in connection with collections upon a certain judgment in favor of the United States against the Pan American Petroleum Co., heretofore duly entered, which I send to the desk to have read, and ask unanimous consent that the same be considered in the House as in Committee of the Whole House on the state of the Union.

The Clerk read the title to the joint resolution.

The SPEAKER. Is there objection?



Mr. MCGUGIN. Mr. Speaker, I reserve the right to object. I have read the resolution. While on its face it does not say so, is not this a part of the old oil scandals in the Doheny case?

Mr. FULLER. Yes.

Mr. MCGUGIN. And the movement is to compromise part of the judgment against Mr. Doheny?

Mr. FULLER. It is not so much a compromise as it is a matter of getting all that we can out of him.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read the Senate joint resolution, as follows:

*Resolved, etc.,* That the Attorney General of the United States, with the concurrence of the Secretary of the Navy, be, and he is hereby, authorized, in connection with collection of amounts due the United States of America under a certain judgment for \$9,277,666.17 entered in the office of the clerk of the District Court of the United States for the Southern District of California at Los Angeles on January 14, 1933, against the Pan American Petroleum Co., a corporation, to release from claim or lien under said judgment such part or portions of the property and assets of the said Pan American Petroleum Co. and the Richfield Oil Co. of California, in such manner and with such reservations as shall seem to him proper and advisable, in consideration of payments to the United States to apply upon said judgment, of not less than the sum of \$5,000,000, and in connection therewith to release any claims of the United States against purchasers of oil and petroleum products from the leases commonly known as "E", "I", and "G" leases, or also known as "Visalia 010042, 010043, and 010097 leases" in naval petroleum reserve no. 1, Kern County, Calif., and to consent, in the premises, to the assignment of other oil and gas leases in said naval petroleum reserve no. 1, now part of the unmortgaged assets of Pan American Petroleum Co., with the concurrence of the Secretary of the Navy and to the assignment of other oil and gas leases, also part of the unmortgaged assets of Pan American Petroleum Co., of the United States outside the said naval petroleum reserve no. 1, with the consent of the Secretary of the Interior, said assignments to be authorized only to assignees otherwise duly qualified under existing laws.

Mr. EDMONDS. Mr. Speaker, as I understand it, the gentleman from Arkansas will have control of 1 hour. Will the gentleman yield part of that time to this side of the House?

The SPEAKER. This is being considered in the House as in Committee of the Whole House on the state of the Union under the 5-minute rule.

Mr. FULLER. Mr. Speaker, I am sure every Member of this House would be glad to vote for this measure if he knew its merits, especially if he is a lawyer. Sometime ago, as we all know, a scandal grew out of the Naval Reserve oil fields of southern California. Later the Government recovered the leases, and it was then discovered that during the time the Doheny interests had possession of those leases they took something over \$5,000,000 worth of oil out of the property. The Government then instituted a suit to recover judgment for approximately \$5,000,000 worth of this oil. By the time the judgment was obtained in November 1932, with the interest added of 7 percent, it amounted to \$9,300,000. These two corporations mentioned in the resolutions were Doheny companies. He is out of the picture entirely. One is the Pan American Petroleum Co. and the other is the Richfield Oil Co. of California. The judgment is against these companies; they are in the hands of receivers and are hopelessly insolvent. It is necessary that this measure should be passed immediately in order that the Government may recover anything substantially.

Mr. McFADDEN. Mr. Speaker, will the gentleman yield?

Mr. FULLER. Yes.

Mr. McFADDEN. Is the Pan American Petroleum Co. in the hands of a receiver?

Mr. FULLER. Yes.

Mr. McFADDEN. I thought the Standard Oil Co. of Indiana had absorbed that.

Mr. FULLER. I cannot answer that because I do not know.

Mr. McFADDEN. I know the Richfield Co. is in the hands of a receiver.

Mr. SUMNERS of Texas. I understand that they took over the Pan American.

Mr. LEHLBACH. The Pan American Co. is a subsidiary entirely owned by the Richfield Co., and both of these companies are in the hands of a receiver.

Mr. FULLER. That is what I understood.

Mr. LEHLBACH. The Standard Oil has no interest in it whatever.

Mr. FULLER. Not a bit. During the Hoover administration and preceding it, special counsel were employed by the Government to investigate this matter. Three of them are still connected with the case. They have gone to California recently and have obtained an additional compromise whereby they can at least get \$5,000,000 for the Federal Government to apply as credit on the judgment provided this resolution is passed at once. This measure was recommended by ex-Attorney General Mitchell, and also by Mr. Adams, Secretary of the Navy. It is also recommended by Mr. Cummings, the present Attorney General, and by Mr. Swanson, now Secretary of the Navy. There is nothing political in it. I think the leaders on both sides of the House and the leaders of the Nation generally, who know about the matter, say that this legislation ought to be expedited and passed quickly.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. FULLER. I yield.

Mr. JOHNSON of Texas. What amount goes for attorneys' fees? Do the hearings show anything about that?

Mr. FULLER. So far as I know, none. Nothing goes to those who were special counsel for the Federal Government. If there is anybody who gets anything, we do not know anything about it. There is no way to ascertain it.

One of the companies, the Richfield Co., has a claim pending before the Revenue Department for a million dollars rebate on income tax. It would not be policy for me to state there was a possibility of recovery from the Government, but it is a very good time to eliminate this claim, and it will be taken into consideration in the settlement of this transaction. Some of this oil was produced before this scandal was known, and before there was any proof of rascality, and was purchased by the Standard Oil Co. of California, and the special investigators have been trying to get some evidence in order to bring suit against the Standard Oil Co. of California and make them pay, but they have been unable to get any proof, but they have used it as a club to the extent that the Standard Oil Co. of California was a party to this settlement whereby it agrees to buy the property, or at least bid \$23,000,000 at public sale, whereby the Government will recover at least five millions on its judgment.

The SPEAKER. The time of the gentleman from Arkansas [Mr. FULLER] has expired.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEHLBACH. Will the gentleman yield?

Mr. FULLER. I yield.

Mr. LEHLBACH. The settlement provided in this resolution is the settlement recommended by former Senator Atlee Pomerene, who was chief counsel for the Government in all of this oil litigation. Is that not a fact?

Mr. FULLER. Yes, that is true; and the two men who were so active and who went out there and made this agreement both appeared before the committee.

Mr. DE PRIEST. Will the gentleman yield?

Mr. FULLER. I yield.

Mr. DE PRIEST. Is this claim of the Government a preferred claim?

Mr. FULLER. No; it is not. We have judgments against those companies for \$9,200,000, but they had a prior mortgage on much of the property. We doubt if their assets would sell on the market today for \$10,000,000. They owe every bank in all that part of the country. Under this compromise no one is to get any money except the Federal Gov-

ernment, which is to receive 50 percent; one of the sets of bondholders is to receive 30 percent, and another set is to get 40 percent, and all the common creditors will get absolutely nothing.

Mr. SWANK. Will the gentleman yield?

Mr. FULLER. I yield.

Mr. SWANK. Did not this same bill pass the Senate in the last Congress, while Senator Walsh of Montana was a Member of that body?

Mr. FULLER. Yes; and Senator Walsh is the man who started the investigation and conducted it, and he was in favor of this measure. The leaders of the Senate are in favor of it. It was passed in the Senate without any dissenting vote. I am sure if anybody has any doubt about it, if he will just state it, it can easily be cleared up.

Mr. MONTET. Will the gentleman yield?

Mr. FULLER. I yield.

Mr. MONTET. Is this to be a cash settlement?

Mr. FULLER. A cash settlement. This resolution authorizes the Attorney General, with the consent and approval of the Secretary of the Navy, if in their judgment they think it is to the best interest of the Government to accept not less than \$5,000,000 in the settlement as a credit on the judgment; not in full satisfaction of the judgment, but a credit on the judgment, and thereby releasing any other claim which the Government has on the properties of these two insolvent oil companies. Retaining the right to recover from Doheny.

Mr. GILCHRIST. Will the gentleman yield?

Mr. FULLER. I yield.

Mr. GILCHRIST. Will the gentleman explain why, if those companies have \$5,000,000 worth of property, the Department of Justice cannot discover the property and levy on it under the judgment they already have?

Mr. FULLER. It is just as any other lawyer will tell you, many times you can get a judgment and cannot collect it.

Mr. GILCHRIST. Not when they have \$5,000,000 worth of property outstanding.

Mr. FULLER. Oh, they had \$50,000,000 worth of property in book values, but it is covered by mortgages and bonds long before the judgment was obtained, and we cannot reach it.

Mr. GILCHRIST. Then the mortgage and bondholders are entitled to preference. Why should the mortgages and bondholders consent in this case to admitting \$5,000,000 to go to the Government when it ought to go to them?

Mr. McFADDEN. Will the gentleman yield?

Mr. FULLER. I yield.

Mr. McFADDEN. It is my understanding that when the Richfield Oil Co. took this property they took it subject to the claim of the United States Government, and the same thing applies to the purchase by the Pan American Petroleum Co., and the assets were taken over by the Standard Oil Co. of Indiana. In other words, they made a reservation that whatever judgment was acquired by the United States would have to be paid by those old companies. Therefore, why should they compromise when both of these judgments would be a lien against the property?

Mr. FULLER. In the opinion of the committee and in the opinion of those who have the authority and responsibility and have investigated it, if we do not pass this bill this week they will put all of their property up for sale and it will sell for less than \$10,000,000, and the party who will buy it is the Standard Oil Co. of California, and the United States Government would not get a million dollars out of it. If I knew more about this case than all these lawyers who have the responsibility, in both the past administration and the present administration, and if I did not have any responsibility at all, I would vote against this and make my conscience clear. I certainly do not understand the facts to be as stated by the gentleman from Pennsylvania [Mr. McFADDEN] and the gentleman from Iowa [Mr. GILCHRIST], and the record bears me out.

Mr. GILCHRIST. Will the gentleman yield further?

Mr. FULLER. No. I do not have any further time to yield.

Mr. GILCHRIST. I wanted to ask the gentleman if the lawyers had to take the responsibility of voting here this afternoon?

Mr. FULLER. No, sir.

Mr. GILCHRIST. I was simply asking for the facts. I am not indicating how I shall vote.

The SPEAKER. The time of the gentleman from Arkansas [Mr. FULLER] has again expired.

Mr. EDMONDS. Mr. Speaker, I fully agree with what the gentleman from Arkansas has said in connection with this bill. This is plainly a case of insolvency; it is a case of settling up an estate that may have assets or may not have assets, according to the way it is handled.

The settlement proposed in this bill is in no way a final settlement. You will notice the Attorney General is given permission to make this settlement, to take the \$5,000,000, with such reservations as seem to him proper and advisable in consideration of the payment to the United States, this to apply upon the said settlement.

In other words, if you study the report, you will find that it is expected money will be secured from other sources with which to pay this judgment of the Government.

The attorney, Mr. Harrison, who was with Mr. Pomerene in the case originally, agreed to make this settlement with the creditors of the California company which is now recommended. He made this statement:

"The bondholders of the Richfield Co. expect a dividend of 30 percent, the unsecured bank and trade creditors a dividend of 12 percent, the bondholders of the Pan American a dividend of 40 percent, whereas the Government is assured of more than 50 percent, with the possibility of an increase resulting from the allowance of income-tax refund and a recovery against Mr. Doheny. We have no hesitancy," they say, "in urging this settlement."

The reason this matter is brought up this afternoon in what may possibly seem to be rather a hurry is because next Saturday is the last day on which the Government can take advantage of this proposition.

I think this is a good settlement. I have looked into the matter very closely. The matter has been gone into by a number of committees of bondholders and creditors. They have entered into an agreement that this money should be paid to the Government; that this amount, \$5,000,000, is given in settlement, no matter what other collection the Government may make.

I think we should do this. I think \$5,000,000 in hand at the present time from an insolvent estate is well worth having; and I think, as long as we are not forgiving the balance of the judgment but have the possibility of collecting it from other sources, that this is a wise agreement for the Government to enter into.

Mr. GILCHRIST. Mr. Speaker, I take the floor for 2 minutes to say that in propounding my questions to the chairman of the committee I was in search of facts. I do not like to be told that if I do not like it I can vote "no." I should like to know why I should vote "yes." I should like some facts concerning this resolution which would justify us in believing that the Government cannot collect the \$9,000,000 judgment it has against this property. With that thought in mind, I asked the chairman of the committee about it, and was advised by him that if I did not like the bill, I could vote "no."

I think the committee must have some information on this question. The information so far given us is simply a conclusion; the facts are not disclosed, but we are told that the end of the whole matter is that the Government cannot collect. Are there any facts to show that the Government cannot collect? If so, what are they?

We are told that this judgment is not a lien ahead of the stockholders and other creditors. Ordinarily this is not true. Ordinarily the king for his debt has a lien ahead of the citizen.

I do not know what the facts are. I should like to know, and I am in as good faith in asking for information as any



member of the committee. We ought to be informed of the facts which will support the proposal.

Mr. EDMONDS. Mr. Speaker, will the gentleman yield?

Mr. GILCHRIST. Certainly.

Mr. EDMONDS. I call the gentleman's attention to page 12 of the report.

Mr. GILCHRIST. I thank the gentleman from Pennsylvania.

Mr. EDMONDS. If the gentleman reads it, he will find that the Government by its representatives, together with representatives of the other creditors, met. Out of this meeting an agreement was reached. Under section 5, on page 13, the Government is to be paid this \$5,000,000. Then a division was made of the balance.

We do not release our claim on Doheny for the sum of \$800,000 income tax returnable. I believe we will get hold of that money and at a later date will probably get some of the other claims mentioned in the report.

Understand, this is not a settlement of the claim. This is simply an application of \$5,000,000 on account of the claim.

Mr. McFADDEN. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. McFADDEN. Then the Government retains its judgment against Mr. Doheny, who is not a bankrupt.

Mr. EDMONDS. This does not relieve any of the other claims at all. It simply applies \$5,000,000 on account, so as to release these properties so they can be sold in order to get more assets into the company.

Mr. McFADDEN. It is my understanding that when Mr. Doheny sold his interests that there was a reservation of funds to cover whatever the Government recovered. In other words, these companies that bought these assets reserved in their contract with Mr. Doheny sufficient money to cover any judgment which the Government might obtain at a later date.

Mr. EDMONDS. It states in the agreement, at the bottom of page 11 of the report—

The Government is assured of more than 50 percent of the claim with the possibility of an increase resulting from the allowance of an income-tax refund and a recovery against Mr. Doheny.

Mr. McFADDEN. In that connection, are they exercising their rights against Mr. Doheny?

Mr. EDMONDS. They say so.

Mr. McFADDEN. If they are, then the Government will recover the entire \$9,300,000.

Mr. EDMONDS. That is something the Attorney General is supposed to attend to, and I presume he is. He says he will do it, and I think he will.

[Here the gavel fell.]

Mr. MOTT. Mr. Speaker, I ask for recognition for 5 minutes in order to definitely state my position as a member of the committee upon this resolution and to offer an amendment to it.

I voted against the resolution in committee, and as a matter of consistency I am going to vote against it here unless it is amended so as to place the responsibility for the proposed settlement of this case where it belongs. In taking this stand, however, I do not want to be understood as opposing the merits of the proposal to make the settlement or compromise authorized by this resolution. Neither do I want to undertake to persuade anyone to vote against the resolution if he is satisfied from such information as is available to him that the compromise here proposed would be a good thing. The point I am making is that in voting for this resolution the Congress is taking upon itself the responsibility of saying whether a settlement or a compromise ought to be made, and I think this responsibility should be upon the Attorney General as the person in charge of this lawsuit for the people of the United States and not upon the Congress.

Mr. FULLER. Will the gentleman yield?

Mr. MOTT. Yes.

Mr. FULLER. Did the gentleman notice that both the Attorneys General said that under the law neither one of them had any authority to settle this case without the au-

thority of Congress and that the only reason they were asking for the authority of Congress was because it was not a Treasury matter where the Treasury could step in and act in the premises?

Mr. MOTT. I asked the Attorney General's representative that question directly and he said that he was not able to state whether a resolution was necessary or not, and his own opinion was that perhaps a resolution was not necessary.

This, Mr. Speaker, is my first objection. I do not believe it is necessary to authorize this settlement by an act of Congress passed for that purpose. The case is in the hands of the Attorney General. He is representing the people of the United States as his clients and he has the same power to compromise or settle this case as he has to compromise or settle hundreds of other lawsuits which the Department of Justice settles or compromises every year.

Mr. SNELL. Will the gentleman yield for a question there?

Mr. MOTT. Certainly.

Mr. SNELL. I was directly informed from the Attorney General's office that that Department recommended this settlement as presented to Congress.

Mr. MOTT. I will say for the information of the gentleman, and of the House also, that there is considerable doubt in my mind and in the minds of other members of the committee whether the Attorney General has, in fact, asked for this authorization.

Mr. SNELL. A gentleman called me up from that office and distinctly told me that anyway. That is all I know about it.

Mr. MOTT. I will say to the gentleman that there have been two or three different statements from the Attorney General's office as to what the Attorney General's position on this matter is. If you will turn to page 3 of the report, you will find a short letter from the Attorney General addressed to Senator KENDRICK, Chairman of the Committee on Public Lands of the Senate. The letter is dated March 15, and in that letter he says:

I am pleased to advise you that the proposed legislation seems to me to be highly desirable. Those here in the Department who have had to do with this matter strongly urge the passage of this resolution.

Upon that authority and upon that statement the committee was about to vote to report this resolution favorably, when the personal spokesman of the Attorney General stopped the vote, in effect, and said: "Gentlemen, before you vote to report out this resolution, I have a message from the Attorney General. I want the gentlemen of the committee to distinctly understand that the Attorney General is not asking for this authorization."

Upon the strength of this statement the members of the committee decided that they should wait until they could get a direct statement from the Attorney General as to whether or not he wanted this authorization. So the committee adjourned until the next day. The following day the Attorney General sent a letter to the committee, and the only statement he made in this letter as to whether or not he wanted authority to settle the case was to refer the committee to the letter he had already written and to state that he had not changed his opinion as expressed in the first letter. This certainly was not an answer to the committee's question. I do not think the Attorney General has definitely asked the Congress to give him the authority the resolution proposes, and, if in these circumstances we pass the resolution, we are taking the affirmative responsibility which ought to be upon the shoulders of the Attorney General. If the Attorney General wants this authorization he should say so, and he should say so in no ambiguous terms.

So I propose that a protective amendment be adopted to this resolution.

[Here the gavel fell.]

Mr. MOTT. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOTT. I suggest that in these circumstances, where the Attorney General was not willing to say that he wanted this authorization by congressional act, that the Congress, if it passed the resolution, would be put in the position, in spite of the permissive language in the bill, of not only putting its O.K. upon this settlement but of directing the Attorney General to make it.

So, in these circumstances, and inasmuch as no Member of the Congress and no member of the committee has sufficient information upon which to say that this settlement ought to be made or ought not to be made, I think it is proper to put a protective amendment in this resolution, and I now offer such an amendment:

*Provided, That the authority herein granted is permissive only and shall not be construed as a declaration of approval by Congress of the compromise or settlement herein authorized to be made and that said authority shall not be exercised by the Attorney General unless in his judgment such compromise or settlement shall appear to him to be for the best interests of the United States.*

I think that in view of the ambiguous position that the Attorney General has taken, if we are going to pass a resolution authorizing the settlement, we should be very certain that the resolution states in no uncertain terms that it is merely permissive, and not to be exercised unless the Attorney General deems it for the best interests of the United States. Mr. Speaker, I send to the desk the amendment I have just read.

The SPEAKER. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 3, after the word "laws", strike out the period and insert a semicolon and insert the following: "*Provided, That the authority herein granted is permissive only and shall not be construed as a declaration of approval by Congress of the compromise herein authorized to be made and said authority shall not be exercised by the Attorney General unless in his judgment such compromise shall appear to him to be for the best interests of the United States.*"

Mr. FULLER. Mr. Speaker, the gentleman agreed in committee that he would not present that amendment. The committee is opposed to it, for the reason that it is surplusage; it only carries out the language in the bill which is set forth more clearly than it is in the amendment.

All the resolution does is to give the Attorney General authority, with such reservations as he deems proper, to settle this case. He does not have to settle if he does not want to, will not unless advantageous to the Government, and there is no use for us to "pass the buck" and not assume any responsibility at all. We might as well leave it where it is.

Mr. GOLDSBOROUGH. Why should we assume any responsibility, except the permissive responsibility? We give him authority and permission to make the settlement.

Mr. FULLER. That is all there is to it.

Mr. GOLDSBOROUGH. Why should we put this amendment in the bill when it is clearly set forth in the bill?

Mr. FULLER. There is one thing I want to call attention to, and that is we have got to pass this law right away, or on Saturday the court will order the property sold and we will be barred from carrying out our agreement.

This is nothing personal to me, the administration wants the bill to go through, and it does nothing more than to give the Attorney General the authority to settle it if he thinks it is for the best interests of the United States to do so. The Attorney General will have to study every detail, the proceedings in the former administration, and he has a great deal of work to do after this bill is passed.

Mr. BRITTEN. Will the gentleman yield?

Mr. FULLER. I will yield.

Mr. BRITTEN. Is it not a fact that the amendment read does nothing more than merely refuse the authority of Congress or the approval of Congress for doing what is already carried in the bill? The word "permissive" is nothing more than a substitution for the word "authorized" in the bill. So the amendment can do no harm. It permits the Attorney General to do just what he is authorized to do in the bill, but it does one other thing—it indi-

cates a lack of approval by Congress of the entire transaction. That is what the amendment does, but it leaves the Attorney General to do as he pleases. I can see no harm or no objection to the amendment.

Mr. FULLER. The gentleman is taking up all of my time.

Mr. BRITTEN. I am trying to help the gentleman pass the bill.

Mr. FULLER. The gentleman is making a strong argument.

Mr. BRITTEN. I am talking for the gentleman.

Mr. FULLER. All right. We do not want this bill amended, so that it will have to go back to the Senate. The amendment is unnecessary.

Mr. GOLDSBOROUGH. "The lady does protest too much." If the amendment does not interfere with the bill at all and is purely unnecessary, what is the objection to it?

Mr. FULLER. Because we do not want it, and we do not want to load the resolution down with an amendment and then have to take it back to the Senate. Time is of the essence in this matter. The amendment is meaningless and its adoption means delay. We want the matter settled between now and Saturday.

Mr. PARKS. We have a conditional contract that they will pay us \$5,000,000?

Mr. FULLER. Yes.

Mr. PARKS. What is the amount of the judgment?

Mr. FULLER. Nine million three hundred thousand dollars. In addition to that we are settling a refund claim which might be collected of over \$1,000,000. The only thing that we are doing is to release property from our judgment which is covered by a prior and valid mortgage.

Mr. MARLAND. Did the judgment run against the Pan American only, or against the Pan American and Doheny?

Mr. FULLER. It was against all, but we do not release our right to recover from Doheny.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. MCGUGIN. Mr. Speaker, with or without the amendment of the gentleman from Oregon [Mr. MOTT], I do not believe it is advisable for the Congress to pass this resolution, but, above all, it seems to me very unwise to pass the resolution without the amendment of the gentleman from Oregon.

The principal thing involved in the entire oil scandals is the honor, credit, and integrity of the Government. The question involved is not whether or not the Government obtains some money from that source. I say to you quite frankly that in order to preserve the character, integrity, and the faith in the Government in this country I would rather say let the courts take their course and let the Government take what the courts give, if it be only a thousand dollars, rather than to take \$5,000,000 on the basis of a compromise when you and I and no other person in this House knows whether the compromise is right or wrong. This whole matter was turned by Congress over to the executive department of this Government back in the Coolidge administration. Public sentiment was such that it was necessary to restore public confidence in government, and in order that there might be no question about that, President Coolidge went further than merely turning it over to the Department of Justice of his administration. He appointed special counsel, men of different political faith. They have handled this matter.

I believe that the overwhelming majority of the people of the United States believe in the honor and integrity of the courts and of the executive department of the Government, in the manner in which these matters have been handled. For God's sake, let us not shake public confidence by coming in here at this late day and under the guise of obtaining a few million dollars pass a resolution authorizing a settlement which, to say the least, the overwhelming majority of the Members of this House know little or nothing about, and about which, of course, the public knows less. Therefore I hope the resolution is voted down, but in the meantime I do hope that the amendment of the gen-



tleman from Oregon is accepted, because if the resolution is to be adopted it is indeed preferable that the responsibility may rest upon the Attorney General. It is not a case of Congress passing the buck. The Attorney General is the only authority who is in position to actually ascertain the truth as to whether a settlement should be made. Congress is not the proper tribunal to ascertain such a fact. That is something beyond our power to do.

Mr. FULLER. Do you not think these attorneys would have the best information about that? They come in here with this report and ask that this compromise be made, and they say that it is the only way in which we can recover any money. Do you not think that we ought to accept it?

Mr. MCGUGIN. If they want to do it let them go ahead and do it, but do not come to Congress and place the responsibility upon Congress.

Mr. FULLER. They have no authority except by this resolution.

Mr. MCGUGIN. If they have not, let it go on where it is, with the courts. Let the matter go on with the authority granted by Congress in the first instance.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. MCGUGIN. Yes; I yield to my friend from Mississippi.

Mr. WHITTINGTON. It is said that the resolution provides a yardstick for compromise, but I call attention to this language—

in such manner and with such reservations as shall seem to him proper and advisable, in consideration of payments to the United States to apply upon said judgment, of not less than a sum of \$5,000,000.

The crux of this matter is the reduction of this judgment to \$5,000,000. What proof is there that they cannot pay all of it?

Mr. MCGUGIN. None, so far as we know. Here is a \$9,000,000 judgment, and when you and I vote for this resolution today we have reduced it from 9 million to 5 million. That much is certain. I choose to let the courts ascertain whether it is \$9,000,000 or \$4,000,000 or \$5,000,000, or whatever it may be. I am not going to vote for it.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. BRITTEN. Mr. Speaker, I rise to support the amendment. I hope the amendment will be agreed to. I should like to call attention to some language in the committee report. When the former Attorney General sent this report to Congress, under the Hoover administration, he said, for the Department of Justice:

Accordingly we submit herewith a form of resolution for adoption by the Congress if it approves thereof.

Mr. Speaker, note the words "if it approves thereof." The amendment that has been offered by the gentleman from Oregon takes away any suggested approval of Congress for this particular transaction and places it where it belongs, in the Roosevelt administration and in the office of your very, very capable Attorney General, Mr. Homer Cummings.

Now let me call to your attention the language of your distinguished Attorney General, Mr. Cummings. He says in conclusion:

And I am pleased to advise you that the proposed legislation seems to me to be highly desirable. Those here in the Department who have had to do with this matter strongly urge the passage of this resolution.

That is very evasive—those in the Department who have had to do with this resolution strongly urge the passage of it.

Now, my friends, in the interest of the Treasury, in the interest of a proper settlement which we all desire, because very few Members of the House know what is back of this entire transaction, I am willing to presume that everything behind it is honest and is being done for the best interest of the Government, and that the Government, from Franklin D. Roosevelt down, desires this legislation, but there can be no objection to this permissive suggestion carried in the amendment offered by the gentleman from Oregon. After it has been attached to the bill I cannot see any reason why

every Member of the House cannot vote in favor of it. It seems to be a good resolution.

Mr. LOZIER. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. LOZIER. Is it not true that this bill in its present form, in the last analysis and as a practical proposition, is a legislative authorization, and in fact will be construed as a legislative direction to the Attorney General to settle on this basis; and what objection could there be to adopting the amendment offered by the gentleman from Oregon, which would place the responsibility on the Department of Justice, where it should rest, because that Department has charge of the litigation, and it is supposed to know whether this is the best settlement that can be obtained; but without some language similar to that offered by the gentleman from Oregon, I fear that as a practical proposition this resolution will be construed as congressional authorization and direction to the Department of Justice to settle upon this basis.

Mr. BRITTEN. If the gentleman is correct in his idea that this is a congressional direction—and I do not agree with the gentleman—but, if the gentleman is correct, then by all means we should favor the amendment offered by the gentleman from Oregon.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. COCHRAN of Missouri. I am inclined to agree with what the gentleman said—that it would be for the best interest of the country to pass this bill. Does the gentleman know whether this corporation is solvent or not?

Mr. BRITTEN. We are informed that this corporation and an adjoining corporation are now in the hands of receivers. I am not a lawyer, but my thought is that the Government sees an opportunity to collect \$5,000,000 on a former \$5,000,000 debt, which has been increased three or four million dollars by accretion of interest, and if it does not take advantage of that opportunity the Government may lose a considerable portion of that \$5,000,000. I am willing to take my chances with your Attorney General. I am satisfied with his honesty of purpose and of his ability to protect the Government.

Mr. COCHRAN of Missouri. The Attorney General accepts the recommendation of your former Attorney General.

The SPEAKER. The time of the gentleman from Illinois [Mr. BRITTEN] has expired.

Mr. BRITTEN. Mr. Speaker I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. PARSONS. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. PARSONS. When was the judgment first obtained in this case?

Mr. BRITTEN. The report will show that.

Mr. PARSONS. Why is it that the previous administration did not collect this from the oil companies before they went into the hands of receivers?

Mr. BRITTEN. Is the gentleman playing politics or asking me a pertinent question?

Mr. PARSONS. I am asking the gentleman a question.

Mr. BRITTEN. I do not have the slightest idea. The chairman of the committee is on your side of the House and he can undoubtedly tell you about it.

Mr. FULLER. If the gentleman will yield, I can answer the gentleman. We did not get the judgment until 2 or 3 years ago. They could not get the proof. This is not a settlement of the entire judgment. This is only a credit on the judgment; and as the gentleman from Oklahoma asked me a while ago, the report shows that it is not liquidation and settlement and satisfaction of this judgment. The Government still has a right to pursue the judgment for the purpose of collecting from Edwin L. Doheny. So this is only for the purpose of relieving certain assets of these defunct institutions now in the hands of receivers.

Mr. PARSONS. Relieving them of what?

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas may proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. Goss]?

There was no objection.

Mr. PARSONS. Relieve them what for?

Mr. FULLER. Those companies are in the hands of receivers, and this property had a bona fide mortgage on all of it before the Government got any judgment against it. That mortgage is good today.

It is impossible to collect anything on the judgment. They have other assets distributed all over the country, and in order for the Standard Oil Co. to get a little stigma off of them, and fearing that we might follow them a little further when we know we can not collect from them, they are willing to go into the open market and bid with every other company in the world on these concerns, and pay \$23,500,000, with the understanding that the Federal Government will get a credit of at least \$5,000,000 on this judgment.

If we do not go through with it the receivers will sell it just the same, and in all probability they, or somebody else, will buy it and we will not get our money.

Mr. PARSONS. The gentleman states this judgment was rendered 2 years or more ago.

Mr. FULLER. Yes.

Mr. PARSONS. What has the Department of Justice been doing these 2 years, or even prior to that time, that they were not taking steps to force this collection?

Mr. FULLER. I cannot answer that, but the mortgage was upon this property before the Government obtained its judgment.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. FULLER. I yield.

Mr. COCHRAN of Missouri. The corporation is in the hands of a receiver.

Mr. FULLER. Yes.

Mr. COCHRAN of Missouri. Where are they getting the \$5,000,000?

Mr. FULLER. They have made an agreement with the Standard Oil Co. of California that on this promised agreement they will bid \$23,500,000 for the property, and we get the \$5,000,000 out of them.

Mr. COCHRAN of Missouri. Does the gentleman think there is anything under cover?

Mr. FULLER. There may be; I do not know.

[Here the gavel fell.]

Mr. MAPES. I ask unanimous consent that the time of the gentleman from Arkansas may be extended 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MAPES. The resolution itself answers the question of the gentleman from Illinois. This judgment was entered on January 14, 1933; not 2 years ago, but less than 4 months ago.

Mr. FULLER. That is the judgment by the Appellate Court.

Mr. MAPES. No; it says it was entered in the office of the clerk of the District Court of the United States for the District of California, Los Angeles, on January 14, 1933.

The last administration had no time in which to collect the judgment, if this has any bearing on the matter.

Mr. MARLAND. Mr. Speaker, will the gentleman yield?

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Speaker, I ask that the gentleman from Arkansas be granted 2 additional minutes in which to answer the question of the gentleman from Oklahoma.

Mr. MARLAND. A moment ago the gentleman stated that the judgment ran against the Pan American Co. and E. L. Doheny. If under this resolution this settlement of \$5,000,000 is made with the Pan American Co. the judgment still runs against E. L. Doheny for \$4,000,000.

Mr. FULLER. Yes.

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Mr. EDMONDS. Mr. Speaker, I am opposed to the amendment because I do not think it will aid us at all. If you propose to vote for this amendment, I would suggest that it be modified by eliminating the words "of the compromise herein authorized." This is an application of \$5,000,000 on account of a judgment. There are other parties in this claim from whom the Government expects to collect.

If you read the report, you will see that Mr. Doheny is in the case and there are other sources from which it is expected to collect. However, in settlement of this particular receivership they are willing to pay \$5,000,000, and the Government officials seem to think that this is all we will be able to collect out of it. Therefore we are taking this \$5,000,000 on account of the judgment of \$9,000,000 and going after the other parties to collect the balance as far as possible. This is the situation.

Replying to those who seem to think there is no necessity for this legislation, let me say I do not believe the executive branch of the Government has the right to dispose of any property of the Government without the consent of Congress. You are disposing of a lease today that has value. Therefore the probabilities are that the legal authorities decided that in order to give a complete title it would be necessary for them to get this legislation. It was proposed and passed by the Senate in the last Congress. It is now proposed and passed by the Senate again.

Mr. PARSONS. Mr. Speaker, will the gentleman yield?

Mr. EDMONDS. I yield.

Mr. PARSONS. In view of what has just been said on both sides of the aisle, there seems to be some kind of a contract or collusion whereby certain bids are to be made if this resolution is passed and these lands are involved; a company is going to bid so much in order that we can get \$5,000,000.

What is the proposition behind these bids with the Standard Oil Co. perhaps getting title to these lands, and the Government losing them, when we could perhaps collect the entire amount if they were sold on a fair market.

Mr. EDMONDS. The \$5,000,000 will be paid to the Government under this agreement.

Mr. PARSONS. That is, for only \$5,000,000 we release it whereas under other conditions some other company would gobble it up.

Mr. EDMONDS. Do not forget this is to be disposed of at an open sale. Any company may get it; it will be sold at a fair open sale.

Mr. PARSONS. But how many companies are in a position to bid in competition with, for instance, the Standard Oil Co.?

Mr. EDMONDS. I have not the least idea, and the gentleman knows that.

Mr. LOZIER. Mr. Speaker, there seems to be a misunderstanding as to the date of the judgment in favor of the Government. By reference to page 6 of the report you will find that the suit to cancel these leases was decided at Los Angeles in November 1930, against the United States, which judgment was, on February 5, 1932, reversed by the United States Circuit Court of Appeals, which court directed a decree canceling these leases. On October 10, 1932, the Supreme Court denied an application for writ of certiorari, and on November 7, 1932, said Court denied an application for rehearing. Then the district court, pursuant to the mandate of the court of appeals, on November 29, 1932, entered a final decree canceling the leases and directing defendants to account for the value of oils taken from the leaseholds. After an accounting, final judgment was entered January 14, 1933, for \$9,277,666.17, with interest thereon from November 29, 1932.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. LOZIER. I yield.

Mr. MAPES. Even that makes the judgment only 45 days longer, November 29, 1932.

Mr. LOZIER. The gentleman from Michigan is correct. I am merely correcting the record as to the date of this judgment.



Mr. EDMONDS. But the gentleman will acknowledge they still owe the money?

Mr. LOZIER. Yes; they owe the money. They owe much more than the \$5,000,000 they offer us. They owe Uncle Sam more than \$9,000,000. While I do not look with favor on the proposed compromise, I am willing to authorize the Department of Justice to make the best settlement obtainable, because it has all the facts, is in charge of the litigation, and is in a better position than Congress to determine what can be collected under our judgment.

Mr. DOCKWEILER. Mr. Speaker, the Richfield Oil Co.'s main office is in the city of Los Angeles. The Richfield Oil Co. went into the hands of a receiver more than 2 years ago. Its president and chairman of the board were prosecuted for embezzlement of funds and were found guilty and are now languishing in the State penitentiary in California.

I hold no brief for the mismanagement of the Richfield Oil Co., but, Mr. Speaker, this Richfield oil situation has been hanging like a dark cloud over the city of Los Angeles and the county of Los Angeles because there are so many creditors involved.

As I recall, more than \$30,000,000 worth of bonds were sold by so-called "respectable bond houses" to the people of the city of Los Angeles and there are millions of dollars' worth of credits outstanding held by banks and other companies in the city of Los Angeles, and this matter has to be settled by the Richfield Oil Co. one way or another.

I have received this morning a telegram from Mr. McDuffie, who is the receiver in charge of both the Richfield Oil Co. and the Pan American Petroleum Co. This company was a California corporation and not the one you are thinking about.

In part of his telegram he goes on to say:

I have, as receiver for Richfield and Pan American, constantly recommended to the court and creditors that the Richfield and Pan American properties should be sold as a unit and sold or reorganized at the earliest possible date, and that in my opinion the best interests of all creditors would be best served by such a sale or reorganization. There has been no disapproval of such recommendations by the court or by the creditors' committee. The creditors' committees, of which there are four, namely, original bondholders' committee, original bank-credits committee, original unsecured-trade creditors' committee, and Pan American bondholders' committee, have for months past been endeavoring to secure offers for the property in receivership. Offers were received from both Consolidated Oil Corporation and Standard Oil Co. of California, and, after consideration, all committees accepted Standard's offer. In view of the fact that the receiver, the court, and all committees are desirous of selling the properties, and in view of the fact that the Government attorneys have recommended the settlement of their judgment and that the settlement is very advantageous to the Government, and as the settlement can only be paid through the sale, and particularly in view of the fact of the telegram—

He refers to a telegram which was sent to the President—

I ask your active support in combating any opposition to the immediate approval of the House of the compromise, so that the sale and reorganization can be carried through. It must be remembered that if this settlement is not made and lengthy litigation ensues not only will the Government not get its money, but it will probably be necessary for the receiver to sell the properties piecemeal, in which case there will be little recovered for the creditors, secured or otherwise.

Mr. MCGUGIN. Will the gentleman yield?

Mr. DOCKWEILER. Yes.

Mr. MCGUGIN. I will ask the gentleman if it is not his experience that it is very extraordinary, if not unethical, for receivers to go around appealing to creditors to compromise their suits?

Mr. DOCKWEILER. Not at all; and if the gentleman knew the type and character of Mr. McDuffie he would not say so.

Mr. MCGUGIN. I am talking about receivers in general. I am referring to receivers going around and appealing to creditors to compromise their suits.

Mr. BLANCHARD. Will the gentleman yield?

Mr. DOCKWEILER. I yield.

Mr. BLANCHARD. Will the gentleman state whether he is opposed to the amendment of the gentleman from Oregon [Mr. MOTT]?

Mr. DOCKWEILER. I do not think the amendment of the gentleman from Oregon hurts this particular resolution, although I think it is unnecessary.

It has been said that the Government should be in a position to settle this case without authority from this Congress. [Here the gavel fell.]

Mr. DOCKWEILER. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOCKWEILER. It has been said that this House does not need to pass a resolution to authorize the Attorney General. That the Attorney General has really asked for this authorization and that he has recommended that his Department act under this resolution I think goes without saying from the contents of his letter dated March 15, 1933, excerpts from which have just been read in the House.

This judgment was secured this year, January 14, 1933. The Richfield Oil Co. has been in the hands of receivers for over 2 years. The judgment that the Government has stands as an ordinary judgment and stands in no better position than a bondholder's judgment or the judgment of a general creditor.

Mr. GILCHRIST. Will the gentleman yield?

Mr. DOCKWEILER. I yield.

Mr. GILCHRIST. What does this resolution mean when it provides that the Government is to assign oil and gas leases in the naval petroleum reserves which are now unmortgaged and are unmortgaged assets of the Pan-American Petroleum Co.? This is stated in line 19, and also in line 22 of page 2 of the resolution. If these are unmortgaged assets, why does not the Government stand in better relationship to them than ordinary creditors?

Mr. DOCKWEILER. That is because, under the terms of the Oil and Gas Leasing Act passed about 10 years ago in this House and in the Senate, a corporation, as I gather it, could not hold over a certain number of acres, and I know that upon the dissolution of this company these particular leases would have to go into some other hands.

I hope you will all support this resolution because it will help us in Southern California to settle this question.

Mr. FULLER. Mr. Speaker, I move the previous question on the resolution and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Oregon [Mr. MOTT].

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the amendment may be again read for the information of the House.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk again read the Mott amendment.

The SPEAKER. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the resolution.

The resolution was read the third time.

The SPEAKER. The question is on the passage of the resolution.

The question was taken; and on a division (demanded by Mr. Goss) there were 125 ayes and 16 noes.

Mr. MCGUGIN. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 244, nays 117, answered "present" 1, not voting 69, as follows:

[Roll No. 25]

YEAS—244

Adair	Bacharach	Belter	Bland
Adams	Bailey	Berlin	Bolleau
Andrews, N.Y.	Bakewell	Biermann	Boland
Auf der Heide	Beedy	Blanchard	Bolton

Boylan	Driver	Kloeb	Rayburn
Brennan	Duffey	Kniffin	Reece
Britten	Duncan, Mo.	Kopplemann	Reed, N.Y.
Brooks	Dunn	Kramer	Reilly
Brown, Ky.	Edmonds	Kvale	Richards
Brown, Mich.	Elcher	Lamneck	Robertson
Brunner	Ellzey, Miss.	Larrabee	Rogers, Mass.
Buchanan	Eltze, Calif.	Lehlbach	Rogers, N.H.
Buck	Evans	Lewis, Colo.	Romjue
Bulwinkle	Faddis	Lloyd	Schaefer
Burch	Farley	Luce	Scrugham
Burke, Calif.	Fernandez	McCarthy	Seger
Burke, Nebr.	Fitzgibbons	McCormack	Shallenberger
Burnham	Fitzpatrick	McGrath	Shannon
Byrns	Flannagan	McKeown	Sinclair
Cady	Focht	McLean	Sirovich
Carden	Ford	McReynolds	Sisson
Carley	Foss	McSwain	Smith, Va.
Carpenter, Nebr.	Fuller	Major	Snell
Carter, Calif.	Gavagan	Maloney, Conn.	Snyder
Carter, Wyo.	Gillette	Maloney, La.	Somers, N.Y.
Cary	Goodwin	Mansfield	Spence
Celler	Goss	Mapes	Stokes
Chapman	Granfield	Marland	Strong, Pa.
Chavez	Griffin	Marshall	Strong, Tex.
Church	Haines	Martin, Colo.	Studley
Claborn	Hancock, N.Y.	Martin, Mass.	Sumners, Tex.
Clark, N.C.	Harlan	Martin, Oreg.	Swank
Clarke, N.Y.	Hart	May	Sweeney
Cochran, Mo.	Harter	Mead	Swick
Colden	Hartley	Merritt	Terrell
Cole	Hastings	Millard	Thom
Collins, Calif.	Healey	Milligan	Thomason, Tex.
Collins, Miss.	Henney	Mitchell	Tinkham
Connery	Hess	Montet	Tobey
Connolly	Hildebrandt	Mott	Traeger
Cooper, Ohio	Hill, Knute	Muldowney	Turner
Cooper, Tenn.	Hill, Sam B.	Murdock	Turpin
Cox	Hoeppel	Musselwhite	Underwood
Crosby	Hoidale	Nesbit	Utterback
Crosser	Hollister	Norton	Vinson, Ga.
Crowe	Holmes	O'Connell	Vinson, Ky.
Crump	Hooper	O'Connor	Wadsworth
Culkin	Huddleston	Owen	Wallgren
Cullen	Imhoff	Parker, N.Y.	Walter
Darden	Jacobsen	Parks	Watson
Darrow	Jeffers	Patman	Welch
Dear	Jenkins	Peavey	Werner
Delaney	Johnson, Okla.	Peyster	West
DeRouen	Johnson, W.Va.	Pierce	Whitley
Dickinson	Kahn	Polk	Whittington
Ditter	Kee	Powers	Wigglesworth
Dockweiler	Kemp	Prall	Williams
Doughton	Kenney	Ramsay	Wilson
Douglass	Kerr	Ramspeck	Wolcott
Doutrich	Kinzer	Randolph	Woodrum
Doxey	Kieberg	Ransley	Young

## NAYS—117

Abernethy	Fletcher	Lesinski	Schulte
Allen	Foulkes	Lozier	Sears
Arens	Gasque	Ludlow	Secrest
Arnold	Gibson	Lundeen	Smith, Wash.
Ayers, Mont.	Gilchrist	McClintic	Smith, W.Va.
Ayres, Kans.	Gillespie	McDuffie	Stalker
Beam	Glover	McFadden	Steagall
Black	Goldsborough	McFarlane	Stubbs
Boehne	Gray	McGugin	Sutphin
Briggs	Green	Meeks	Tarver
Caldwell	Greenwood	Miller	Taylor, Colo.
Cannon, Mo.	Gregory	Monaghan	Taylor, S.C.
Carpenter, Kans.	Griswold	Moran	Thompson, Ill.
Cartwright	Guyer	Morehead	Thurston
Castellow	Hancock, N.C.	O'Malley	Truax
Chase	Hill, Ala.	Oliver, Ala.	Umstead
Christianson	Howard	Parker, Ga.	Wearin
Coffin	Johnson, Minn.	Parsons	Weaver
Colmer	Jones	Peterson	Weideman
Cross	Keller	Pettengill	White
Deen	Kelly, Ill.	Rankin	Wilcox
De Priest	Kocialkowski	Reid, Ill.	Wolfenden
Dies	Kurtz	Rich	Wolverton
Dingell	Lambertson	Richardson	Wood, Ga.
Dirksen	Lambeth	Rogers, Okla.	Wood, Mo.
Disney	Lanham	Ruffin	Woodruff
Dobbins	Lanzetta	Sadowski	Zioncheck
Dowell	Lee, Mo.	Sanders	
Durgan, Ind.	Lehr	Sandlin	
Eagle	Lemke	Schuetz	

## ANSWERED "PRESENT"—1

Bacon

## NOT VOTING—69

Allgood	Cavichia	Fish	Kelly, Pa.
Almon	Cochran, Pa.	Frear	Kennedy, Md.
Andrew, Mass.	Condon	Fulmer	Kennedy, N.Y.
Bankhead	Cornig	Gambrill	Knutson
Beck	Cravens	Gifford	Lea, Calif.
Blanton	Crowther	Hamilton	Lewis, Md.
Bloom	Cummings	Higgins	Lindsay
Brand	Dickstein	Hope	McLeod
Browning	Dondero	Hornor	McMillan
Brumm	Drewry	Hughes	Montague
Buckbee	Eaton	James	Moynihan
Busby	Englebright	Jenckes	O'Brien
Cannon, Wis.	Fiesinger	Johnson, Tex.	Oliver, N.Y.

Palmisano  
Perkins  
Pou  
Ragon  
Robinson

Rudd  
Sabath  
Shoemaker  
Simpson  
Sullivan

Taber  
Taylor, Tenn.  
Treadway  
Waldron  
Warren

Willford  
Withrow

So the resolution was agreed to.

The following pairs were announced:

Until further notice:

Mr. Corning with Mr. Beck.  
Mr. Bankhead with Mr. Cavichia.  
Mr. McMillan with Mr. Englebright.  
Mr. Pou with Mr. McLeod.  
Mr. Ragon with Mr. Treadway.  
Mr. Fiesinger with Mr. Brumm.  
Mr. Kennedy of New York with Mr. Andrew of Massachusetts.  
Mr. Sabath with Mr. Buckbee.  
Mr. Sullivan with Mr. Cochran of Pennsylvania.  
Mr. Warren with Mr. Fish.  
Mr. Blanton with Mr. Gifford.  
Mr. Fulmer with Mr. Crowther.  
Mr. Oliver of New York with Mr. Eaton.  
Mr. Almon with Mr. James.  
Mr. Busby with Mr. Perkins.  
Mr. Montague with Mr. Taber.  
Mr. Rudd with Mr. Knutson.  
Mr. Condon with Mr. Taylor of Tennessee.  
Mr. Drewry with Mr. Kelly of Pennsylvania.  
Mr. Johnson of Texas with Mr. Frear.  
Mr. Gambrill with Mr. Waldron.  
Mr. Palmisano with Mr. Moynihan.  
Mr. Kennedy of Maryland with Mr. Withrow.  
Mr. Lindsay with Mr. Higgins.  
Mr. Browning with Mr. Simpson.  
Mr. Allgood with Mr. Dondero.  
Mr. Brand with Mr. Hope.  
Mr. Dickstein with Mr. Shoemaker.  
Mr. Hamilton with Mr. Cannon of Wisconsin.  
Mrs. Jenckes with Mr. Willford.  
Mr. Cummings with Mr. Hornor.  
Mr. Robinson with Mr. O'Brien.  
Mr. Cravens with Mr. Hughes.

Mr. HANCOCK of North Carolina. Mr. Speaker, my colleague, Mr. WARREN, is unavoidably absent. If present, he would vote "no."

The result of the vote was announced as above recorded.

On motion of Mr. FULLER, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

Mr. O'CONNOR. Mr. Speaker, I move that House Resolution 119 be laid on the table.

The motion was agreed to.

## LOANS TO HOME OWNERS

Mr. STEAGALL. Mr. Speaker, I wish to ask the gentleman from Massachusetts [Mr. LUCE] if we may not agree on time for general debate on the bill (H.R. 5240), the home-mortgage relief bill. What time would be satisfactory?

Mr. LUCE. It is now after 4 o'clock and manifestly we cannot conclude the consideration of the bill today.

Mr. STEAGALL. I will say to the gentleman that it is my purpose, after we agree upon the time, to move to adjourn and take the bill up tomorrow.

Mr. LUCE. That is agreeable to me.

Mr. STEAGALL. Will the gentleman agree on one hour and a half of general debate?

Mr. LUCE. The bill is long, and there will be ample opportunity to consider it under the 5-minute rule. Therefore, I think an hour and a half for debate will be ample.

Mr. COCHRAN of Missouri. Reserving the right to object, when the bill is under consideration under the 5-minute rule will the gentleman agree not to cut off debate?

Mr. STEAGALL. I could not do that, but I will say that there is not the slightest desire to preclude proper consideration of the bill. If there were, we would not be here asking for an agreement. The bill will be open for amendment under the 5-minute rule. The bill is not very controversial—there are only 2 or 3 provisions that will provoke controversy. I hope the gentleman will agree to an hour and a half.

Mr. COCHRAN of Missouri. With that assurance, I am willing to agree to an hour and a half, but I want to tell the gentleman that there should be something in this bill of value to the home owner when it is passed. There was a political fraud perpetrated in the last Congress when the home-loan bill was passed, and we want this bill worded in such a way that the forgotten man in my State will have his home saved and his property rights conserved. I



offered an amendment in the form of a bill providing for an 80-percent loan to home owners direct, and I could not get a hearing before the gentleman's committee. I want to see this bill worded in such a way that the people of my city who are having property taken away and can get no redress will have an opportunity to get something from the Government of the United States as citizens of other sections of the country have received assistance.

Mr. STEAGALL. So far as the former legislation is concerned the gentleman knows as well as I do, and the older Members of the House understand the circumstances under which that legislation was passed. I was not very much enthused over it than was my friend. We passed that bill finally an hour before adjournment on the last night of the session. The fight was carried on until that hour.

Mr. COCHRAN of Missouri. Is the gentleman enthused over this bill?

Mr. STEAGALL. Even though the original bill fixed the valuation for loans at 40 percent, the gentleman yesterday complained that no loans had been made under it. I will ask the gentleman if he thinks any more loans would have been made if the limit had been raised to 80 percent.

Mr. COCHRAN of Missouri. That was the trouble. The home-loan board absolutely refused to recognize the individual. That is where the trouble was. Congress wanted the individual recognized, but the bank board did not. You are repealing that paragraph in this bill. Section 3 repeals that paragraph in the existing law.

Mr. LUCE. Mr. Speaker, will the gentleman from Missouri [Mr. COCHRAN] let me suggest to him that the matter about which he wishes to call attention concerns a section of the bill which will be reached for amendment. If his argument is delivered in general debate, it will stand very much less chance of convincing Members than if made at the time when the section is reached. The general debate should be devoted to the general principles of the bill, and it strikes me that that ought to be devoted to the general principles of the bill. I think we can dispose of that in an hour and a half, and get through with the bill tomorrow afternoon.

Mr. COCHRAN of Missouri. I thank the gentleman. I agree to 1½ hours, but I hope we will not be cut off under the 5-minute rule.

Mr. BRIGGS. An hour and a half on a side?

Mr. LUCE. No; an hour and a half altogether.

Mr. BRIGGS. Is that going to allow members of the committee time enough to answer questions put by Members of the House? The trouble with some of these great bills that come before us is that Members frequently never get a chance to get any information, because the speakers at the moment say that they have only 5 or 10 minutes and they have to hurry along. What the House wants in respect to some of these bills is some information from the committee which has been studying the subject for weeks.

Mr. LUCE. It is my own disposition to answer every question that may be asked.

Mr. BYRNS. Does not the gentleman from Texas appreciate the fact that he will get infinitely more information when the bill is being discussed under the 5-minute rule than when under general debate, which is attended probably not by more than one fourth or one third of the Members?

Mr. BRIGGS. That has not been my experience about these bills. I know that the time is very frequently taken up by people who talk under the 5-minute rule, who have not been identified with creating the bill at all, when Members have not time enough to ask the chairman of the committee something about the bill.

Mr. DE PRIEST. Is the general debate to be confined to the bill?

Mr. STEAGALL. I meant my request to be so worded.

The SPEAKER. What is the gentleman's request?

Mr. STEAGALL. That general debate be limited to an hour and a half and be confined to the bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that general debate on the bill be limited to one hour and a half, to be confined to the bill, to be divided equally between himself and the gentleman from Massachusetts [Mr. LUCE]. Is there objection?

There was no objection.

#### ENROLLED JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J.Res. 135. Joint resolution to amend section 2 of the act approved February 4, 1933, to provide for loans to farmers for crop production and harvesting during the year 1933, and for other purposes.

#### ADJOURNMENT

Mr. STEAGALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Thursday, April 27, 1933, at 12 o'clock noon.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Foreign Affairs was discharged from the consideration of the bill (H.R. 5161) for the relief of Wiener Bank Verein and the same was referred to the Committee on Claims.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VINSON of Georgia: A bill (H.R. 5262) to authorize the President to suspend or reduce extra pay for aerial flights; to the Committee on Naval Affairs.

By Mr. WOOD of Georgia: A bill (H.R. 5263) to amend the Revenue Act of 1926, as amended; to the Committee on Ways and Means.

By Mr. ROGERS of Oklahoma: A bill (H.R. 5264) to provide relief from unemployment and to prohibit Government participation in business relative to the manufacture and sale of printed envelopes and other printed matter in competition with private enterprise; to the Committee on the Post Office and Post Roads.

Also, a bill (H.R. 5265) to amend the Revenue Act of 1932 with a view of taxing liquid malt, malt sirup, and malt extract, fluid, solid, or condensed, made from malted cereal grains, in whole or in part; to the Committee on Ways and Means.

By Mr. EDMONDS: A bill (H.R. 5266) to amend section 4548 (U.S.C., title 46, sec. 605) of the Revised Statutes of the United States; to the Committee on the Merchant Marine, Radio, and Fisheries.

By Mr. WILCOX: A bill (H.R. 5267) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mrs. NORTON (by request): A bill (H.R. 5268) to regulate the business of insurance in the District of Columbia, appertaining to persons; to the Committee on the District of Columbia.

By Mr. MARTIN of Oregon: A bill (H.R. 5269) to increase the efficiency of the Veterinary Corps of the Regular Army; to the Committee on Military Affairs.

Also, a bill (H.R. 5270) giving credit for water charges paid on damaged land; to the Committee on Irrigation and Reclamation.

By Mr. LEWIS of Maryland: A bill (H.R. 5271) giving the protection of the law to the worker's right to work and to a just share of the employment available, forming trade associations to stabilize business, and to provide unemployment

insurance, etc., and imposing certain excise taxes, with privilege drawback; to the Committee on Ways and Means.

By Mr. McCORMACK: A bill (H.R. 5272) to amend the Revenue Act of 1932; to the Committee on Ways and Means.

By Mr. MARTIN of Oregon: A bill (H.R. 5273) to amend Public Act No. 435 of the Seventy-second Congress, relating to sales of timber on Indian Land; to the Committee on Indian Affairs.

By Mr. SIROVICH: Resolution (H.Res. 121) providing for the consideration of House Resolution 95; to the Committee on Rules.

By Mrs. NORTON: Resolution (H.Res. 122) to permit the subcommittee of the Committee on the District of Columbia to sit during recess of Congress, and for other purposes; to the Committee on Rules.

By Mr. WOODRUM: Joint resolution (H.J.Res. 164) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACK: A bill (H.R. 5274) to allow credits in the accounts of certain disbursing officers of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and United States Veterans' Bureau (now Veterans' Administration); to the Committee on Claims.

Also, a bill (H.R. 5275) authorizing adjustment of the claim of the Pennsylvania Railroad Co.; to the Committee on Claims.

Also, a bill (H.R. 5276) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed during a hurricane in Samoa on January 15, 1931; to the Committee on Claims.

Also, a bill (H.R. 5277) to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost, damaged, or destroyed by fire at the Marine Barracks, Quantico, Va.; to the Committee on Claims.

Also, a bill (H.R. 5278) to authorize the settlement of individual claims of military personnel for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army; to the Committee on Claims.

Also, a bill (H.R. 5279) for the relief of certain disbursing officers of the Army of the United States, and for the settlement of individual claims approved by the War Department; to the Committee on Claims.

Also, a bill (H.R. 5280) for the relief of certain disbursing officers of the Army of the United States, and for the settlement of individual claims approved by the War Department; to the Committee on Claims.

Also, a bill (H.R. 5281) to provide for the reimbursement of certain civilian employees of the Naval Operating Base, Hampton Roads, Va., for the value of tools lost in a fire at Pier No. 7, at the naval operating base, on May 4, 1930; to the Committee on Claims.

Also, a bill (H.R. 5282) authorizing adjustment of the claim of Schutte & Koerting Co.; to the Committee on Claims.

Also, a bill (H.R. 5283) for the relief of John L. Summers, disbursing clerk, Treasury Department, and for other purposes; to the Committee on Claims.

Also, a bill (H.R. 5284) for the relief of the Playa de Flor Land & Improvement Co.; to the Committee on Claims.

Also, a bill (H.R. 5285) for the relief of Weymouth Kirkland and Robert N. Golding; to the Committee on Claims.

Also, a bill (H.R. 5286) for the relief of the heirs of Burton S. Adams, deceased; to the Committee on Claims.

Also, a bill (H.R. 5287) for the relief of Don C. Fees; to the Committee on Claims.

Also, a bill (H.R. 5288) for the relief of Lieut. Col. Russell B. Putnam, United States Marine Corps; to the Committee on Claims.

Also, a bill (H.R. 5289) for the relief of Capt. George W. Steele, Jr., United States Navy; to the Committee on Claims.

Also, a bill (H.R. 5290) for the relief of Jasper Daleo; to the Committee on Claims.

Also, a bill (H.R. 5291) for the relief of Robert D. Baldwin; to the Committee on Claims.

By Mr. TOBEY: A bill (H.R. 5292) granting an increase of pension to Ianthe S. Webber; to the Committee on Invalid Pensions.

By Mr. CADY: A bill (H.R. 5293) for the relief of Leslie E. Drake; to the Committee on Claims.

By Mr. CUMMINGS: A bill (H.R. 5294) granting a pension to Margaret M. Boardman; to the Committee on Pensions.

By Mr. FREAR: A bill (H.R. 5295) granting a pension to Mary E. Grinnell; to the Committee on Pensions.

By Mr. GRANFIELD: A bill (H.R. 5296) granting a pension to Peter Koutsaymanes; to the Committee on Pensions.

By Mr. JOHNSON of Minnesota: A bill (H.R. 5297) to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.; to the Committee on War Claims.

By Mr. JOHNSON of West Virginia: A bill (H.R. 5298) granting a pension to J. E. Barrows; to the Committee on Pensions.

By Mr. KEE: A bill (H.R. 5299) for the relief of Orville A. Murphy; to the Committee on Claims.

By Mr. KELLY of Illinois: A bill (H.R. 5300) granting a pension to Joseph J. Mann; to the Committee on Pensions.

Also, a bill (H.R. 5301) for the relief of John Brown; to the Committee on Claims.

By Mr. LAMBETH: A bill (H.R. 5302) granting a pension to Addie C. Valley; to the Committee on Invalid Pensions.

By Mr. SMITH of Washington: A bill (H.R. 5303) for the relief of Samuel Poston; to the Committee on Military Affairs.

By Mr. TOBEY: A bill (H.R. 5304) for the relief of William W. Judd; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

729. By Mr. BEITER: Petition of Board of Supervisors of Erie County, Buffalo, N.Y., urging support of pending legislation providing for the relief of home owners whose property valuation is \$10,000 or less; to the Committee on Banking and Currency.

730. By Mr. CARLEY: Petition of Gerald A. Fagan, National Motorship Corporation, and others, protesting against enactment of bills H.R. 4599 and 3348; to the Committee on the Merchant Marine, Radio, and Fisheries.

731. By Mr. COLE: Petitions of citizens of Maryland, protesting against the operation of cotton textile mills in the Atlanta Penitentiary, thereby depriving citizens of work; to the Committee on Labor.

732. By Mr. JOHNSON of Texas: Telegram of R. D. Johnson, of Houston, Tex., favoring House bills 5010 and 5079; to the Committee on Interstate and Foreign Commerce.

733. By Mr. JOHNSON of Minnesota: Resolutions unanimously endorsing the Northfield plan; to the Committee on Ways and Means.

734. By Mr. KVALE: Memorial of the Minnesota State Legislature, urging Congress to lower the interest rate in the pending agricultural relief bill to 3 percent; to the Committee on Agriculture.

735. Also, petition of National Association of Postal Supervisors of St. Paul, Minn., Branch No. 104, favoring optional retirement after 30 years' service in Postal Service, and



opposing compulsory retirement; to the Committee on the Civil Service.

736. Also, petition of Railway Mail Post, No. 23, American Legion, Department of Minnesota, favoring enactment of legislation to place first-, second-, and third-class postmasters under the Civil Service rules; to the Committee on the Civil Service.

737. Also, petition of St. Paul (Minn.) Division of Railway Conductors, opposing consolidation and curtailing of train service; to the Committee on Labor.

738. Also, petition of legislative committee, Order of Railway Conductors, St. Paul, Minn., urging retention of manpower and wages for railroads; to the Committee on Labor.

739. Also, petition of Order of Railway Conductors of the State of Minnesota, urging continuance of present service on railroads; to the Committee on Labor.

740. By Mr. WATSON: Resolution passed by Philadelphia Branch, No. 35, National Association of Postal Supervisors, relative to an amendment to the Retirement Act; to the Committee on Appropriations.

741. By Mr. WITHROW: Memorial of the Legislature of the State of Wisconsin, relating to the ratification of the treaty between the United States and Canada for the construction of the St. Lawrence waterway, and appropriation of money by Congress for the completion of said project; to the Committee on Interstate and Foreign Commerce.

742. Also, memorial of the Legislature of the State of Wisconsin, relating to reduction in the expenditures for prohibition enforcement; to the Committee on Appropriations.

743. Also, memorial of the Legislature of the State of Wisconsin, memorializing the United States House of Representatives to promptly enact the 30-hour week bill by Senator BLACK; to the Committee on Labor.

744. By Mrs. ROGERS of Massachusetts: Petition of the City Council of the City of Lowell, Mass., paying tribute to the memory of those who were killed in the Akron disaster, and a message of sympathy to the relatives of the deceased; to the Committee on Naval Affairs.

745. By Mr. RUDD: Petition of National Association of Postal Employees, Brooklyn branch, favoring the 30-year compulsory retirement with full annuity; to the Committee on Appropriations.

746. Also, petition of I. Unterberg & Co., New York City, opposing the passage of the Reilly bill, H.R. 3769; to the Committee on Interstate and Foreign Commerce.

747. Also, petition of J. J. Regan, Flushing, Long Island, N.Y., favoring inflation as proposed in Senate amendment to the farm relief bill, without any qualifications or amendments; to the Committee on Agriculture.

748. Also, petition of the Peoples National Bank, Brooklyn, N.Y., opposing the publication of names of banks securing loans from the Reconstruction Finance Corporation; to the Committee on Banking and Currency.

749. Also, petition of National Federation of Federal Employees, Local No. 4, Frank X. McMahon, secretary, New York City, favoring optional retirement of Federal employees; to the Committee on Appropriations.

750. Also, petition of Hamburg Savings Bank, Brooklyn, N.Y., opposing the publication of names of banks which borrow from the Reconstruction Finance Corporation, and the same be discontinued; to the Committee on Banking and Currency.

751. By the SPEAKER: Resolution of the Massachusetts House of Representatives, introduced by Representative Hyman Manevitch, ward 14, Dorchester, Mass., that the General Court of Massachusetts hereby condemns all acts of persecution reported to be committed against the members of the Jewish faith in Germany, and urges the President and the Congress of the United States to present these sentiments to the German Government; this resolution having been adopted by the House of Representatives of Massachusetts, March 31, 1933, and by the Senate of Massachusetts on March 31, 1933; to the Committee on Foreign Affairs.

## SENATE

THURSDAY, APRIL 27, 1933

(Legislative day of Monday, Apr. 17, 1933)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

### MESSAGE FROM THE HOUSE

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the joint resolution (S.J.Res. 13) authorizing the Attorney General, with the concurrence of the Secretary of the Navy, to release claims of the United States upon certain assets of the Pan American Petroleum Co. and the Richfield Oil Co. of California and others in connection with collections upon a certain judgment in favor of the United States against the Pan American Petroleum Co. heretofore duly entered, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H.J.Res. 157) providing for the use of water of the St. Lawrence River for the generation of power by the State of New York under and in accordance with the provisions of the Great Lakes-St. Lawrence Deep Waterway Treaty between the United States and Canada, in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 4225. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Parkers Landing, in the county of Armstrong, Commonwealth of Pennsylvania; and

H.R. 4332. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at a point near the Forest-Venango county line, in Tionesta Township, and in the county of Forest, and in the Commonwealth of Pennsylvania.

### CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and move a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Kean	Reed
Ashurst	Costigan	Kendrick	Reynolds
Austin	Couzens	Keyes	Robinson, Ark.
Bachman	Cutting	King	Robinson, Ind.
Bailey	Dickinson	La Follette	Russell
Bankhead	Dieterich	Lewis	Sheppard
Barbour	Dill	Logan	Shipstead
Barkley	Duffy	Lonergan	Smith
Black	Erickson	Long	Steiwer
Bone	Fess	McAdoo	Stephens
Borah	Fletcher	McCarran	Thomas, Okla.
Bratton	Frazier	McGill	Thomas, Utah
Brown	George	McNary	Townsend
Bulkeley	Glass	Metcalf	Trammell
Bulow	Goldsborough	Murphy	Tydings
Byrd	Gore	Neely	Vandenberg
Byrnes	Hale	Norbeck	Van Nuys
Capper	Harrison	Norris	Wagner
Caraway	Hastings	Nye	Walcott
Carey	Hatfield	Overton	Walsh
Clark	Hayden	Patterson	Wheeler
Connally	Hebert	Pittman	White
Coolidge	Johnson	Pope	

Mr. REED. I wish to announce that my colleague [Mr. DAVIS] is still detained from the Senate because of illness.

Mr. BACHMAN. I desire to announce the absence of my colleague [Mr. McKellar] on account of the death of his brother, Mr. R. L. McKellar.

Mr. McNARY. I wish to announce the necessary absence of the Senator from Minnesota [Mr. SCHALL].